



# BRITISH ENACTMENTS

In Force in Indian States

VOLUME II

## States in Direct Relation with the Government of India

- |  |                                       |
|--|---------------------------------------|
| 1—Statutes in force  | 5—Orders relating to Courts           |
| 2—Acts of the Governor General in Council and of the Indian Legislature              | 6—Acts locally applied                |
| 3—Orders under Statutes  | 7—Local or Special Laws               |
| 4—Orders under Acts of the Governor General in Council and of the Indian Legislature | 8—Orders under Acts locally applied   |
|  | 9—Orders under Local and Special Laws |

In Baroda and Western India.

COMPILED BY

J. M. MACPHERSON

*of the Inner Temple, Barrister-at-Law, and Secretary to the  
Government of India, Legislative Department.*

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# British Enactments in Force in Indian States, Volume II.

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## CHAPTER I.—BARODA.

The Baroda State consists of five Districts of which three lie in Gujarat and two, known as Amreli and Okhamandal, in Kathiawar. In the Okhamandal District up to 1920 the Resident at Baroda and his Assistant at Dwarka exercised delegated jurisdiction over the Wagher tribe in all cases except those triable by a Magistrate of the 2nd class which were dealt with by the State Courts, but in that year the administration over the Waghers was handed over to the Baroda Durbar on certain conditions. Jurisdiction over British subjects, Europeans, Americans, and Government servants vests, as usual, in the political authorities, but there are special arrangements for the exercise of jurisdiction by Baroda State Courts over Government servants.

The State was in political relations with the Bombay Government till 1874, when it was placed in direct relations with the Government of India. For this reason some of the notifications cited in the following pages issued under the authority of the Governor of Bombay in Council. On the transfer, the Resident's title was changed to that of Agent to the Governor General, but the former style was subsequently restored.

The only Administered Area in the State is the Cantonment of Baroda.

The Railway lands in the State which are subject to British jurisdiction form part of the Western Division of Railways enumerated in Volume VIII.

## BARODA STATE.

The following British enactments are in force in the Baroda State:—

### I.—Statutes.<sup>1</sup>

### II.—Acts of the Governor General in Council and of the Indian Legislature.—See Appendix II.

### III.—Orders under Statutes.—See *infra*, page 2.

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<sup>1</sup> Not enumerated. See Preface to this edition, paragraph 4.



**IV.—Orders under Acts of the Governor General in Council and of the Indian and Local Legislatures.—***See infra*, pages 2 to 10.

**V.—Orders relating to Courts.—***See infra*, pages 11 to 15.

**III.—Orders under Statutes.**

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Ap-<sup>53 & 54</sup>  
pendix I. <sup>Vict. c. 37.</sup>

*No. 580-D., dated the 26th January, 1917.*—(Jurisdiction of High <sup>5 & 6 Geo:</sup>  
Courts over European British subjects).—*See* Appendix IV. <sup>V, c. 61.</sup>

**IV.—Orders under Acts of the Governor General in Council and of the Indian and Local Legislatures.**

**BOMBAY LAND CUSTOMS ACT, 1857.**

*Customs Stations for levy of customs duties on goods exported by land from British India to the Indian States of Kathiawar or imported by land from States in Kathiawar into British India.*

*No. 9295/24, dated the 5th July, 1927.*—In exercise of the powers conferred by section 4 of the Bombay Land Customs Act, 1857 (XXIX of 1857), the Governor in Council is pleased to establish Customs Stations at the undermentioned places for the levy of duties of Customs on goods exported by land from British India to the Indian States of Kathiawar or imported by land from the Indian States of Kathiawar into British India, namely:—

- (1) Virangam Custom House.
- (2) Ranpur Naka.
- (3) Kundli Naka.
- (4) Salingpur Naka.
- (5) Dhandhuka Custom House.

Nothing in this notification in so far as it relates to the levy of duties of customs shall be held to apply (1) to goods imported at the Port of Bhavnagar and (2) to goods which are the produce of Kathiawar.

[*Bombay Government Gazette*, 1927, Pt. I, p. 1654.]

*Routes for passage of goods by land between States in Kathiawar and British India.*

*No. 9295 (b)/24, dated the 5th July, 1927.*—In exercise of the powers conferred by section 6 of the Bombay Land Customs Act, 1857 (XXIX of

1857), the Governor in Council is pleased to prescribe the undermentioned as the only routes by which goods will be allowed to pass by land out of the Indian States of Kathiawar into British India or out of British India into the Indian States of Kathiawar, namely :—

1. By rail through Viramgam Railway Station.
2. By rail through Ranpur Railway Station.
3. By rail through Kundli Railway Station.
4. By rail through Salingpur Railway Station.
5. By rail through Dhandhuka Railway Station.

[*Bombay Government Gazette*, 1927, Pt. I, p. 1655.]

#### COURT FEES ACT, 1870.

*Remission of fees on copies of decrees of Civil Courts of Baroda State forwarded to any Court in British India for execution.*

No. 1341-F., dated the 26th September, 1916.—In exercise of the powers conferred by section 35 of the Court Fees Act, 1870 (VII of 1870), the Governor General in Council is pleased to remit the fees chargeable under the said Act on copies of decrees of Civil Courts situate in the territories of His Highness the Gaekwar of Baroda forwarded to any Court in British India for execution in pursuance of the provisions of section 44 of the Civil Procedure Code, 1908 (V of 1908).

[*Gazette of India*, 1916, Pt. I, p. 1461.]

#### INDIAN EVIDENCE ACT, 1872.

*Officers of the Baroda State empowered to certify documents.*

No. 1387-I. A., dated the 12th April, 1904.—With reference to the provisions of section 79 of the Indian Evidence Act, 1872 (I of 1872), the Governor General in Council is pleased hereby to declare that the following officers in the Native State of Baroda are duly authorised to certify documents for the purposes of the said section, namely:

- (a) all District Judges (*Prant Nyayadhish*);
- (b) all District Magistrates (*Prant Fouzdari Nyayadhish*) of the first class;
- (c) all Subordinate Judges (*Mahal Nyayadhish*);
- (d) all Magistrates (*Fouzdari Nyayadhish*) of the first class.

<sup>1</sup>[(e) the Registrar (*Kamdar*) of the Varisht Court.

(f) all Nazirs, Shirastedars and Head Clerks of the Courts of District Judges (*Prant Nyayadhish*);

(g) all Nazirs and Shirastedars of the Courts of Subordinate Judges (*Mahal Nyayadhish*); and

(h) all Nazirs and Shirastedars of the Courts of Magistrates of the 1st class (*Fouzdari Nyayadhish*).]

[*Gazette of India*, 1904, Pt. I, p. 270.]

#### INDIAN CHRISTIAN MARRIAGE ACT, 1872.

*Officer appointed Marriage Registrar and licensed to grant certificates of marriage between Indian Christians. Certificates of marriage to be sent to the Resident.*

No. 619-I., dated the 22nd December, 1924.—In exercise of the powers conferred by sections 8, 9 and 56 of the Indian Christian Marriage Act, 1872 (XV of 1872), and in supersession of the Notification of the Government of India in the Foreign Department, No. 3732-I., dated the 18th September, 1888, and of so much of the Notification of the Government of Bombay, dated 5th November, 1874, as relates to the Baroda State, the Governor General in Council is pleased—

(a) to appoint the officer holding for the time being the office of First Assistant to the Resident at Baroda and being a Christian, to be a Marriage Registrar in respect of all places within the limits of Baroda State including the Baroda Cantonment, and to appoint the Resident at Baroda to be the officer to whom the said Marriage Registrar shall send the certificates mentioned in section 54 of the said Act;

(b) to grant to the officer holding for the time being the office of First Assistant to the Resident at Baroda and being a Christian, a license to grant within the said limits certificates of marriage between Native Christians.

[*Gazette of India*, 1924, Pt. I, p. 1273.]

#### Fees and Rules.

No. 1586-B., dated the 29th August, 1892.—Printed in Appendix V.

<sup>1</sup> Added by Notification No. 2009-I. B., dated the 13th September, 1916, *Gazette of India*, 1916, Pt. I, p. 1391.

SEA CUSTOMS ACT, 1878.

*Baroda ports declared to be British Indian ports.*

No. 1180, dated the 26th June, 1866.—Under the provisions of section 12 of <sup>1</sup>Act VI of 1863 and in exercise of the power and authority therein reserved, the Governor General in Council is pleased to declare the ports of His Highness the Gaekwar elsewhere than in Kathiawar to be British Indian ports for the purposes of section 18, section 141 and sections 149 to 160 of the same Act in so far as the said sections or any of them are capable of being applied with respect to such ports.

[*Gazette of India*, 1866, Pt. I, p. 908.]

*Prohibition of import of Baroda copper coin into British India.*

No. 4860-C., dated the 8th September, 1905.—In exercise of the power conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878) \* \* the Governor General in Council is pleased to prohibit the bringing into British India by sea or by land of copper or bronze coin, not being King's coin or coin issued by any Native State in India other than the State of Baroda.

2. Provided that the bringing of such coin into British India by a traveller, in any quantity not exceeding one rupee's worth at any one time, in good faith, for his own use, shall not be deemed to be prohibited by this notification.

[*Gazette of India*, 1905, Pt. I, p. 660.]

*Exemption of certain goods exported from or imported into any Customs-port to or from any port in Kathiawar from export or import duty.*

No. 67, dated the 16th July, 1927.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to exempt all goods exported from any customs-port to any port in Kathiawar from any export duty leviable thereon under the Indian Tariff Act, 1894 (VIII of 1894). or under any other Act for the time being in force; and to exempt from any import duty leviable thereon under the Indian Tariff Act, 1894 (VIII of 1894), any goods other than opium, salt and spirit, imported into a customs-port from any such port which are proved to the satisfaction of the Customs-collector, (a) to have been produced or manufactured in Kathiawar or (b) to have been imported into Kathiawar by land from British India or (c) to have been produced or manufactured in any place in India outside Kathiawar and imported into Kathiawar by sea.

[*Gazette of India*, 1927, Pt. I, p. 758.]

<sup>1</sup> See now Act VIII of 1878, by section 2 of which this notification is kept in force.

*Transshipment of dutiable goods without payment of duty from any port in British India to any port in Kathiawar permitted by Steamers only.*

*R. Dis. No. 4-Cus./25, dated the 1st October, 1925.*—In exercise of the powers conferred by section 130 of the Sea Customs Act, 1878 (VIII of 1878) and in supersession of the Notifications by the Commissioner of Customs, Salt and Excise, Bombay, No. C. R. 107, dated the 29th October, 1918, and No. 200, dated the 5th March, 1919, and of the Notification by the Commissioner in Sind, No. Cus.-134, dated the 8th March, 1919, the Central Board of Revenue hereby directs that transshipment of dutiable goods without payment of duty from any port in British India to any port in Kathiawar shall be permitted by steamers only.

[*Gazette of India*, 1925, Pt. I, p. 908.]

*Prohibition of transshipment of salt, opium, spirits and other excisable articles from any port in British India to any port in Kathiawar.*

*R. Dis. No. 4-1-Cus./25, dated the 1st October, 1925.*—In exercise of the powers conferred by section 134 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the transshipment of salt, opium, spirits and other excisable articles from any port in British India to any port in Kathiawar.

[*Gazette of India*, 1925, Pt. I, p. 908.]

#### INDIAN ARMS ACT, 1878.

*Exemption of certain persons in Indian States from certain prohibitions and directions contained in the Act.*

*Rules regarding the export of arms and ammunition from, and their import into, British India.*

*No. F.-829-I-22, dated the 3rd November, 1923 (The Indian Arms Rules, 1924).*—Printed in Appendix XXIII.

*Persons exempted from the operation of certain sections of the Act.*

*No. 865, dated the 16th January, 1928.*—(Not re-printed).

[*Gazette of India*, 1928, Pt. II-A, p. 21.]

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886.

*Appointment of Registrars of Births and Deaths and of Registrar-General.*

No. 586-I. B., dated the 23rd February, 1920.—In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration Act, 1886 (VI of 1886), and in supersession of the Notification of the Government of India in the Foreign Department, No. 2933-I., dated the 15th July, 1891, the Governor General in Council is pleased to appoint the officers holding for the time being the appointments of Resident at Baroda and First Assistant to the Resident to be Registrars of Births and Deaths in respect of the classes of persons indicated in section 11, sub-section (1), clause (b), of the said Act, for the Baroda State, including the Cantonment of Baroda.

2. For the purposes of section 24, sub-section (2) of the said Act, the Governor General in Council is further pleased to appoint the Registrar-General of Births, Deaths and Marriages for the Bombay Presidency for the time being to be the Registrar-General for the said State and Cantonment.

[*Gazette of India*, 1920, Pt. I, p. 418.]

*Rules and fees.*

No. 1173, dated the 19th July, 1888.—Printed in Appendix VI.

INDIAN TARIFF ACT, 1894.

*Declaration of territory of Indian States in Kathiawar to be foreign territory.*

No. 296-T. (7), dated the 4th July, 1927.—In exercise of the powers conferred by section 5 of the Indian Tariff Act, 1894 (VIII of 1894), the Governor General in Council is pleased to declare the territory of Indian States in Kathiawar, hereinafter referred to as “the said territory”, to be foreign territory for the purposes of the said section, and to direct that a duty of customs at the rate prescribed by or under the said Act in respect of any article, when imported into a port in British India shall be leviable on any such article when imported by land from the said territory:

Provided that such duty shall not be leviable on—

- (a) any article which is proved to the satisfaction of the officer of land customs to have been imported by sea into the Port of Bhavnagar and to have been cleared there on payment

of duty at the same rate as is prescribed by or under the said Act for a similar article imported into any port to which the said Act applies; or

- (b) any article which is proved to the satisfaction of such officer to have been produced or manufactured in the said territory.

[*Gazette of India, Extraordinary, 1927, p. 136.*]

#### INDIAN FOREIGN MARRIAGE ACT, 1903.

##### *Fees and Rules.*

*No. 341, dated the 11th August, 1904.*—Printed in Appendix VII.

#### INDIAN EXTRADITION ACT, 1903.

*Offences under the Criminal Tribes Act declared to be extradition offences.*

*No. 4806-I. B., dated the 11th November, 1919.*—Printed in Appendix VIII.

*Rules under the Act except in areas under British jurisdiction.*

*No. 1862-I. A., dated the 13th May, 1904.*—Printed in Appendix VII.

#### INDIAN UNIVERSITIES ACT, 1904.

*Inclusion of Baroda in the territorial limits of the Bombay University.*

*No. 717, dated the 20th August, 1904.*—See Appendix IX.

#### CODE OF CIVIL PROCEDURE, 1908.

(See Orders relating to Courts. *infra*.)

#### OFFICIAL TRUSTEES ACT, 1913.

*Inclusion of Baroda in the Presidency of Bombay for the purposes of the Act.*

*No. 1450-D., dated the 19th March, 1914.*—Printed in Appendix XII.

#### ADMINISTRATOR GENERAL'S ACT, 1913.

*Inclusion of Baroda in the Presidency of Bombay for the purposes of the Act.*

*No. 1449-D., dated the 19th March, 1914.*—Printed in Appendix XIII.

*Exercise of the powers and duties of a District Judge under the Act in  
Baroda.*

No. 3542-I., dated the 27th August, 1891.—Printed in Appendix  
XIII.

INDIAN INCOME-TAX ACT, 1922.

*Modifications of income-tax when income-tax has been charged both in  
British India and in the Baroda State.*

No. 25, dated the 1st July, 1926.—Printed in Appendix XV.

COTTON TRANSPORT ACT, 1923.

*Application of the provisions of sub-section (1) of section 4 to cotton  
consigned to railway stations in certain areas in the Baroda State.*

No. 157-C. (4), dated the 2nd May, 1925.—Whereas by a law in force  
in the territories of the Baroda State, the import by railway into the  
areas in the State territories specified in the attached Schedule of cotton  
grown outside those areas has been prohibited except with the permission  
of the State;

The Governor General in Council, in exercise of the powers conferred  
by sub-section (3) of section 4 of the Cotton Transport Act, 1923 (III of  
1923), is pleased to declare that the provisions of sub-section (1) of the  
said section shall apply in respect of any such cotton which is consigned  
to any railway station situated within the said areas in the State terri-  
tories as if such areas and such station were, respectively, protected areas  
and a notified station and as if any permission or licence granted under  
the said law were a licence granted under the Cotton Transport Act,  
1923.

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SCHEDULE.

I. The South Surat Area consisting of that portion of the Navsari  
District lying between the Par river on the South and on the North the  
Mindhola river up to the Eastern end of the Palsana Taluka and thence  
that part of the Purna river lying east of the Mahuva Taluka up to the  
point where it meets the Vyara-Khambhalia road and bounded on the  
East by the Vyara-Khambhalia road, on the West by the sea; that is to  
say, the area comprising the whole of the Navsari, Gandevi and Mahuva  
Talukas of the State and a part of the Vyara-Taluka lying between the  
Purna river and the Vyara-Khambhalia road.



II. The Surat area consisting of that portion of the Navsari District bounded on the West by the sea, on the East by the boundary of the Nandurbar, Navapura and Pimpalner Talukas of the British District of West Khandesh touching the boundary of the Vajpur and Songadh Talukas of the Baroda State, on the North by the Tapti river and on the South the Mindhola river up to the Eastern end of the Palsana Taluka and thence by that portion of the Purna river lying on the East of the Mahuva Taluka up to the point where it meets the Vyara-Khambhalia road and thence the Vyara-Khambhalia road and the boundary of the Bansda and Dang States, that is to say, the area comprising the whole of Palsana and Songadh Talukas, that part of the Vyara Taluka which is not included in the South Surat area and a part of the Kamrej Taluka lying to the South of the river Tapti.

NOTE.—The portion of the Vajpur Peta Mahal lying on the East of the river Tapti known as the Nesu tract is not to be considered as included in any of the protected areas.

III. The Olpad-Ankleswar area consisting of that portion of the Navsari District which is bounded on the North by the river Narbada, on the South and East by the river Tapti and on the West by the sea, that is to say, the area comprising the whole of the Mangrol Mahal and of the Umarpada Peta Mahal and portions of the Vajpur Peta Mahal and of the Kamrej Mahal lying to the North of the river Tapti.

[*Gazette of India*, 1925, Pt. I, p. 360.]





### V.—Orders relating to Courts.

*British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India.*

No. 1431-I., dated the 27th April, 1893.—Printed in Appendix XIX.

*Criminal Law and procedure of British India applicable to British subjects in Indian States.*

No. 1863-I. A., dated the 13th May, 1904.—Printed in Appendix IV.

*Jurisdiction of the High Court at Bombay over European British subjects in Baroda.*

No. 580-D., dated the 26th January, 1917.—Printed in Appendix IV.

*Justices of the Peace to commit for trial to the High Court having jurisdiction.*

No. 582-D., dated the 26th January, 1917.—Printed in Appendix IV.

*Justices of the Peace invested with powers of Magistrates of the 1st class and to hold inquests.*

No. 319-D., dated the 16th January, 1917.—Printed in Appendix IV.

*Appointment of Justices of the Peace for the Baroda State.*

No. 617-I., dated the 22nd December, 1924.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notifications of the Government of India in the Foreign Department, No. 1164-I., dated the 23rd March, 1888, and No. 1640-I. B., dated the 31st July, 1912, the Governor General in Council is pleased to appoint the persons for the time being holding the offices of Resident at Baroda and First Assistant to the Resident at Baroda, being European British subjects, to be Justices of the Peace within the territories of His Highness the Maharaja of Baroda.

[*Gazette of India*, 1924, Pt. I, p. 1272.]

*Criminal jurisdiction of the Resident and the First Assistant Resident in the Baroda State excluding Baroda Cantonment.*

No. 1639-I. B., dated the 31st July, 1912.—Whereas the Governor General in Council has in certain cases criminal jurisdiction within the Baroda State :

In exercise of this jurisdiction and of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to issue the following orders with respect to such cases:

- (1) The First Assistant for the time being to the Resident at Baroda shall exercise in respect of such cases occurring within the limits of the said State the powers of a District Magistrate and those of a Court of Session as described in the Code of Criminal Procedure, 1898.
- (2) The Resident at Baroda for the time being shall exercise the powers of a Court of Session and those of a High Court, respectively, as described in the Code of Criminal Procedure, 1898, in respect of all offences over which the jurisdiction of a Magistrate and of a Court of Session, respectively, is exercised by the First Assistant. Provided that:—
  - (a) the First Assistant shall not commit any accused person for trial to the Resident acting as a Court of Session; and
  - (b) in cases in which the Code requires the sentence of a Court of Session to be confirmed by the High Court, the sentence shall be referred for confirmation to the Governor General in Council, instead of to the Resident.
- (3) In exercise of the jurisdiction of a Court of Session conferred on him by these orders, the First Assistant to the Resident may take cognizance of any offence, as a Court of criminal original jurisdiction, without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates.
- (4) These orders apply to all proceedings except proceedings against European British subjects or persons jointly charged with European British subjects; but nothing therein shall be deemed to extend to the Cantonment of Baroda.

[*Gazette of India*, 1912, Pt. I, p. 803.]

*Jurisdiction of Criminal Courts of Indian States over Indian officers and soldiers of the Indian Army.*

*Letter of the Government of India, No. 1389-I. A., dated the 18th April, 1905.*—Printed in Appendix XX.

*Service of summonses of Civil and Revenue Courts of the Baroda State—*  
 (a) *by Courts in British India;*

*No. 323-I., dated the 15th May, 1929.—Printed in Appendix XXI-B.*

(b) *by Courts established or continued by the Governor General in Council.*

*No. 322-I., dated the 15th May, 1929.—Printed in Appendix XXI-A.*

*Execution of decrees of Civil Courts of the Baroda State—*

(a) *by Courts in British India;*

*No. 321-I., dated the 15th May, 1929.—Printed in Appendix XXI-B.*

(b) *by Courts established or continued by the Governor General in Council.*

*No. 322-I., dated the 15th May, 1929.—Printed in Appendix XXI-A.*

*Service by Courts of the Baroda State of summonses—*

(a) *of Courts in British India;*

*No. 323-I., dated the 15th May, 1929.—Printed in Appendix XXI-B.*

(b) *of Courts established or continued by the Governor General in Council.*

*No. 398-I. B., dated the 25th February, 1910.—Printed in Appendix XXI-C.*

*Execution by Courts of the Baroda State of decrees—*

(a) *of Civil Courts in British India;*

*No. 321-I., dated the 15th May, 1929.—Printed in Appendix XXI-B.*

(b) *of Courts established or continued by the Governor General in Council.*

*No. 2623-I. B., dated the 24th December, 1912.—Printed in Appendix XXI-C.*

*Service by the Court of the Indian Assistant to the Resident of summonses of Criminal Courts of the Baroda State.*

*No. 4424-I., dated the 26th December, 1890.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and*

Extradition Act, 1879,<sup>1</sup> and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that a [summons issued by any Court]<sup>2</sup> of His Highness the Gaekwar of Baroda shall, if sent to the Court of the [Indian Assistant to the Resident at Baroda]<sup>3</sup> be served by that Court as if the summons had been issued by itself, and, after being so served, be returned with an endorsement of such service under the hand of the [said Indian Assistant]<sup>3</sup>.

[*Gazette of India*, 1890, Pt. I, p. 899.]

*Remission of fees on copies of decrees of Courts of the Baroda State forwarded for execution to:—*

(1) *any Court in British India.*

*No. 1341-F., dated the 26th September, 1916.—Printed, supra, page 3.*

(2) *certain Administered Areas and railway lands.*

*No. 2266-1. B., dated the 11th October, 1916.*—In exercise of the powers conferred by section 35 of the Court-fees Act, 1870 (VII of 1870), as applied to, or as in force in, the areas specified in the Schedule hereto annexed, the Governor General in Council is pleased to remit the fees chargeable under the said Act, on copies of decrees of [Civil Courts]<sup>4</sup> situate in the territories of His Highness the Gaekwar of Baroda forwarded to any Court in the said areas for execution.

#### SCHEDULE.

1. The railway lands described in the notification of the Government of India in the Foreign Department, No. 784-I. B., dated the 9th April, 1913, as subsequently amended, and in the first and second columns of the Schedule annexed thereto.

2. The Baroda Cantonment.

3. The Cantonments of Mhow, Neemuch, Nowgong and Sehore, the Indore Residency Bazzars and the Civil Lines of Nowgong.

4. The Administered Areas in the Hyderabad State, as described in the notification of the Government of India in the Foreign Department, No. 582-I. B., dated the 22nd March, 1913.

5. The Civil and Military Station of Bangalore.

<sup>1</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix I.

<sup>2</sup> Includes summonses of Criminal Courts to witnesses.

<sup>3</sup> Substituted by Notification No. 618-I., dated the 22nd December, 1924. *Gazette of India*, 1924, Pt. I, p. 1272.

<sup>4</sup> Substituted by Notification No. 3180-I. B., dated the 4th October, 1918. *Gazette of India*, 1918, Pt. I, p. 1593.

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6. The Abu area, as described in the notification of the Government of India in the Foreign Department, No. 679-I. B., dated the 2nd April, 1913.

7. The British Reserve, Manipur, as defined in the notification of the Government of India in the Foreign Department, No. 533-I. B., dated the 12th March, 1909.

8. Berar.

[*Gazette of India*, 1916, Pt. I, p. 1519.]

(3) *the Residency and Civil Station of Kolhapur.*

No. 4977, dated the 3rd July, 1917.<sup>1</sup>—

[*Bombay Government Gazette*, 1917, Pt. I, p. 1585.]

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<sup>1</sup> Printed, Vol. VII, Chapter IV, under Kolhapur, "Orders relating to Courts"









## CANTONMENT OF BARODA.

The following British enactments are in force in Baroda Cantonment:—

- I.—Statutes.<sup>1</sup>
- II.—Acts of the Governor General in Council and of the Indian Legislature.—*See* Appendix II.
- III.—Orders under Statutes.—*See* below.
- IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.—*See infra*, pages 17 to 19.
- V.—Acts locally applied.—*See infra*, pages 21 to 29.
- VI.—Local laws.—*See infra*, page 31.
- VII.—Orders relating to Courts.—*See infra*, pages 33 to 36.
- VIII.—Orders under Acts locally applied.—*See infra*, pages 37 to 152.

### III.—Orders under Statutes.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* 53 and 54  
Vict. c. 37.  
Appendix I.

No. 580-D., dated the 26th January, 1917.—(Jurisdiction of High 5 and 6 Geo.  
V, c. 61.  
Courts over European British subjects).—*See* Appendix IV.

### IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.

#### INDIAN EVIDENCE ACT, 1872.

*Officers of the Baroda State empowered to certify documents.*

No. 1387-I. A., dated the 12th April, 1904.—Printed *supra*, page 3.

#### INDIAN CHRISTIAN MARRIAGE ACT, 1872.

*Officer appointed to be Marriage Registrar and licensed to grant certificates of marriage between Indian Christians. Certificates of marriage to be sent to the Resident.*

No. 619-I., dated the 22nd December, 1924.—Printed *supra*, page 4.

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<sup>1</sup> Not enumerated. *See* Preface to this Edition, paragraph 4.

*Fees and Rules.*

No. 1586-E., dated the 29th August, 1892.—Printed in Appendix V.

INDIAN ARMS ACT, 1878.

*Exemption of certain persons in Indian States from certain prohibitions and directions contained in the Act.*

*Rules regarding the export of arms and ammunition from, and their import into, British India.*

No. F.-829-I-22, dated the 3rd November, 1923 (The Indian Arms Rules, 1924).—Printed in Appendix XXIII.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886.

*Appointment of—(a) Resident and First Assistant Resident to be Registrars of Births and Deaths; (b) Registrar General for Bombay to be Registrar General for Baroda.*

No. 586-I. B., dated the 23rd February, 1920.—Printed *supra*, page 7.

*Rules and Fees.*

No. 1173, dated the 19th July, 1888.—Printed in Appendix VI.

INDIAN STAMP ACT, 1899.

*Remission of duty in British India on instruments executed in Baroda Cantonment on which the stamp duty chargeable there has been paid.*

<sup>1</sup>No. 3616-Exc., dated the 16th July, 1909. In exercise of the powers conferred by section 9, clause (a) of the Indian Stamp Act, 1899 (II of 1899) \* \* \* the Governor-General in Council is pleased \* \* \* to remit the duties\* chargeable in respect of instruments of the \* classes hereinafter described :—

\* \* \* \* \*

81. Instrument executed in the areas mentioned in the schedule hereto attached in respect of which the stamp duty with which it is chargeable under the stamp law for the time being in force in the said areas has been paid in accordance with the said law.

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<sup>1</sup> For similar remissions in Administered Areas under British jurisdiction, see orders under the Indian Stamp Act, 1899, as applied to the various Administered Areas.

SCHEDULE.

\* \* \* \* \*

3. The Cantonments of \* \* Baroda \* .

[*Gazette of India*, 1909, Pt. I, p. 597.]

INDIAN FOREIGN MARRIAGE ACT, 1903.

*Fees and Rules.*

No. 341, dated the 11th August, 1904.—Printed in Appendix VII.

INDIAN UNIVERSITIES ACT, 1904.

*Inclusion of Baroda in the territorial limits of the Bombay University.*

No. 717, dated the 20th August, 1904.—See Appendix IX.

CODE OF CIVIL PROCEDURE, 1908.

(See Orders relating to Courts, *infra*.)

OFFICIAL TRUSTEES ACT, 1913.

*Inclusion of Baroda including Baroda Cantonment in the Presidency of Bombay for the purposes of the Act.*

No. 1450-D., dated the 19th March, 1914.—Printed in Appendix XII.

ADMINISTRATOR GENERAL'S ACT, 1913.

*Inclusion of Baroda including Baroda Cantonment in the Presidency of Bombay for the purposes of the Act.*

No. 1449-D., dated the 19th March, 1914.—Printed in Appendix XIII.

*Exercise of the powers and duties of a District Judge under the Act.*

No. 3542-I., dated the 27th August, 1891.—Printed in Appendix XIII.

INDIAN INCOME-TAX ACT, 1922.

*Modifications of income-tax when income-tax has been charged both in British India and in the Baroda State.*

No. 25, dated the 1st July, 1926.—Printed in Appendix XV.









### V.—Acts locally applied.

*No. 265-I., dated the 24th April, 1929.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased, in supersession of the notification of the Government of India in the Foreign Department, No. 162-I. B., dated the 28th January, 1913, and of all notifications amending the same, to apply to the Cantonment of Baroda the enactments specified in the schedule hereto annexed, in so far as the same may be applicable, and subject to any amendments to which the enactments are for the time being subject in British India :

Provided, first, that in the enactments as so applied (except where the context or the modifications hereinafter referred to otherwise require) references to a Local Government, the Chief Controlling Revenue Authority or the Chief Revenue Authority shall be read as referring to the Resident at Baroda; references to a Secretary to a Local Government as referring to the First Assistant to the Resident at Baroda; references to a High Court as referring to the Court of the Resident at Baroda; and references to British India or the territories subject to a Local Government as referring to the said Cantonment of Baroda :

Provided, secondly, that the further modifications and restrictions set forth in the said schedule shall be made in the said enactments as so applied :

Provided, thirdly, that for the purpose of facilitating the application of the said enactments any Court in the said Cantonment of Baroda may construe the provisions thereof, and any notifications, orders, rules, forms or bye-laws thereunder, with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before the Court :

Provided fourthly, that subject to the provisions of this notification the Resident at Baroda may direct by what officer any authority or power under the said enactments shall be exercisable :

Provided, fifthly, that all civil and criminal and other proceedings pending at the date of this notification shall be carried on as if this notification had not been issued, but that, save as aforesaid, all proceedings commenced, officers appointed or authorized, jurisdiction or powers conferred or confirmed, notifications published, rules or bye-laws made, orders passed and things done under any of the enactments specified in the notifications hereby superseded in the said Cantonment of Baroda, shall be, as far as may be, deemed to have been respectively commenced, appointed or authorized, conferred or confirmed, published, made, passed and done, under the corresponding enactments specified in this notification.

## SCHEDULE.

*Acts of the Governor General in Council.*

Enactments applied.	Further modifications and restrictions
1. The Judicial Officers' Protection Act, 1850 (XVIII of 1850).	.....
2. The Indian Penal Code (Act XLV of 1860).	In section 75, the words " British India " shall be read as referring to British India and the Cantonment of Baroda.
3. The Foreigners Act, 1864 (III of 1864).	.....
4. The Parsi Marriage and Divorce Act, 1865 (XV of 1865).	.....
5. The Court-fees Act, 1870 (VII of 1870).	.....
6. The Cattle-trespass Act, 1871 (I of 1871).	.....
7. The Indian Evidence Act, 1872 (I of 1872).	In sections 57, 74, 78 and 79, the words " British India " shall be read as referring to British India, the Cantonment of Baroda, and areas outside British India under the administration of the Governor General in Council.
8. The Indian Contract Act, 1872 (IX of 1872).	.....
9. The Indian Oaths Act, 1873 (X of 1873).	.....
10. The Opium Act, 1878 (I of 1878) .	.....
11. The Indian Arms Act, 1878 (XI of 1878).	.....
12. The Indian Salt Act, 1882 (XII of 1882).	.....
13. The Indian Telegraph Act, 1885 (XIII of 1885).	.....
14. The Provincial Small Cause Courts Act, 1887 (IX of 1887).	<p>(1) Sections 2, 6 to 12, sub-section (g) of sections 15, 18 to 21, 30 to 34 and 37 shall be omitted.</p> <p>(2) For section 5, the following shall be substituted namely:—</p> <p>" 5. <i>Court of Small Causes; its Judge and its local jurisdiction.</i>—(1) The Court of Small Causes established in the Cantonment of Baroda by the notification of the Governor of Bombay in Council, No. 299 (Judicial), dated the seventeenth day of November, 1868, is hereby continued.</p> <p>(2) The Indian Assistant for the time being to the Resident at Baroda shall be the Judge of the Court of Small Causes, and the local limits of the jurisdiction of that Court shall be the limits for the time being of the said Cantonment."</p> <p>(3) In section 22, for the words from " and an " to " or other " the word " the " shall be substituted.</p>

Enactments applied.	Further modifications and restrictions.
15. The Revenue Recovery Act, 1890 (I of 1890).	For section 8, the following shall be substituted, namely:— “ 8. The provisions of this Act shall apply equally to— (a) the recovery in the Cantonment of Baroda of any arrear of land revenue accruing, or sum recoverable as an arrear of land revenue and payable to a Collector or other public officer or to a local authority in any part of British India or in any local area which is not part of British India but which is under the administration of the Governor General in Council and to which the Revenue Recovery Act, 1890, has been applied; and (b) The demand for the recovery in British India or in any such local area of any such arrear accruing, or sum so recoverable and payable, in the said Cantonment.” .....
16. The Guardians and Wards Act, 1890 (VIII of 1890).	.....
17. The Prevention of Cruelty to Animals Act, 1890 (XI of 1890).	.....
18. The Land Acquisition Act, 1894 (I of 1894).	For clause (d) of section 3, the following shall be substituted, namely:— “ (d) The expression ‘Court’ means the Court of the First Assistant to the Resident at Baroda.” .....
19. The Epidemic Diseases Act, 1897 (III of 1897).	.....
20. The General Clauses Act, 1897 (X of 1897).	In clause (7) of section 3, the words “British India” shall remain unmodified, but in any other enactment, where this definition would otherwise apply, the words shall be read subject to the provisions of this notification.
21. The Code of Criminal Procedure, 1898 (Act V of 1898).	(1) Sections 22 and 25 shall be omitted. (2) The powers prescribed by sections 401 and 402 shall be exercised only by the Governor General in Council. (3) In sub-section (1) of section 503, after the words ‘such attendance and’ the words ‘if such witness resides in any area to which, this Code applies or in British India’ shall be inserted. (4) Nothing in the Code as applied shall be deemed to apply to proceedings against European British subjects or persons charged jointly with European British subjects. .....
22. The Indian Post Office Act, 1898 (VI of 1898).	.....
23. The Indian Stamp Act, 1899 (II of 1899).	(1) Sections 57, 58 and 59 shall be omitted. (2) In sub-section (1) of section 60, the words “other than a Court mentioned in section 57” and “or Chief Court.....refer the same” shall be omitted.

Enactments applied.	Further modifications and restrictions.
23. The Indian Stamp Act, 1899 (II of 1899)— <i>contd.</i>	(3) In sub-section (2) of section 60, the words "as if it had been referred under section 57" and the words "under the seal.....another like copy" shall be omitted.
24. The Code of Civil Procedure, 1908 (Act V of 1908).	<p>(1) In sub-section (5) of section 2, section 10 and sub-rules (4) and (5) of rule 49 of Order XXI in the First Schedule, the words "British India" shall be read as referring to British India and the Cantonment of Baroda.</p> <p>(2) In the proviso to section 29, after the words "summonses" the words "are situate in British India or" shall be inserted.</p> <p>(3) For section 43, the following shall be substituted, namely:—</p> <p>"43. <i>Execution of decrees of British Courts.</i>—Any decree passed by a Civil Court in British India or by any Court established or continued by the authority of the Governor General in Council may, if it cannot be executed within the jurisdiction of the Court by which it was passed, be executed in the manner herein provided within the Cantonment of Baroda."</p> <p>(4) In section 45, before the words "any Court" the words "any Court situate in British India, or to" shall be inserted.</p> <p>(5) For clause (b) of section 78, the following shall be substituted, namely:—</p> <p>"(b) Courts situate in British India or in any other part of the British Empire, or".</p> <p>(6) To rule 25 of Order V in the First Schedule, the following proviso shall be added, namely:—</p> <p>"Provided that, if the defendant resides in British India the summons may be sent for service to a Court (not being a High Court) having jurisdiction at the place where he resides and, if the Court returns the summons with an endorsement signed by the Judge or other officer of the Court that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be deemed to be evidence of service."</p> <p>(7) The provisions of rule 48 of Order XXI in the First Schedule shall apply only to those cases in which the salary or allowances are payable in the Cantonment of Baroda.</p>
25. The Indian Limitation Act, 1908 (IX of 1908).	(1) In section 13, the words "British India" shall be read as referring to British India and the territories

Enactments applied.	Further modifications and restrictions.
25. The Indian Limitation Act, 1908 (IX of 1908)— <i>contd.</i>	(2) In section 30, for the words "next after the passing of this Act" the words "from the 9th day of June, 1911" shall be substituted. (3) Section 31 shall be omitted. (4) The second schedule shall be omitted.
26. The Indian Registration Act, 1908 (XVI of 1908).	(1) In section 33, the words "British India" shall remain unmodified. (2) In sub-section (1) of section 33, after the words "executing the power-of-attorney resides" in clause (a), and after the words "does not reside" in clause (c), the words "in the Cantonment of Baroda or" shall be added. (3) Section 67 shall be omitted.
27. The Whipping Act, 1909 (IV of 1909).	Section 6 shall be omitted.
28. The Indian Aircraft Act, 1911 (XVII of 1911).	(1) Sub-section (3) of section 1 and sub-section (2) of section 4 shall be omitted. (2) In section 6, after the words "any rule made" the words "or notification issued" shall be inserted.
29. The Indian Lunacy Act, 1912 (IV of 1912).	(1) To clause 1 of section 3, the following shall be added, namely:— "and includes all asylums or mental hospitals for lunatics established or licensed by Government in British India." (2) Sections 14, 15 and 67 shall be subject to the proviso that, if a lunatic is an inhabitant of a State in India, the Magistrate or Judge, as the case be, may make him over to the care of such State with its consent and, in the case of an order under section 67, with the consent of the person on whose application the inquisition was instituted.
30. The Indian Motor Vehicles Act, 1914 (VIII of 1914).	.....
31. The Usurious Loans Act, 1913 (X of 1913).	.....
32. The Poisons Act, 1919 (XII of 1919)	.....
33. The Provincial Insolvency Act, 1920 (V of 1920).	....

*Acts of the Indian Legislature.*

34. The Indian Income-tax Act, 1922 (XI of 1922).	Only so much of the Act shall apply as relates to the assessment and collection of income-tax on salaries received by persons who are in the service of, and paid by or on behalf of Government or a local authority established in the exercise of the powers of the Governor General in Council.
35. The Cantonments (House Accommodation) Act, 1923 (VI of 1923).	Sub-section (1) of section 36 shall be omitted.

Enactments applied.	Further modifications and restrictions.
36. The Indian Paper Currency Act, 1923 (X of 1923).	Only the following sections shall apply as hereby modified, namely:—
	<p>“14. A universal currency note for the time being of British India and any currency note of the Bombay circle of issue as established for the time being under the Indian Paper Currency Act, 1923, shall be a legal tender for the amount expressed in the note in payment or on account of—</p> <p>(a) any revenue or other claim to the amount of five rupees or upwards due to Government, and</p> <p>(b) any sum of five rupees or upwards due by Government or by any body corporate or person.</p>
	<p>25. No person shall draw, accept, make or issue any bill of exchange, hundi, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe or take up any sum or sums of money on the bills, hundies, or notes payable to bearer on demand, of any such person:</p>
	<p>Provided that cheques or drafts payable to bearer on demand or otherwise, may be drawn on bankers, shroffs or agents by their customers or constituents, in respect of deposits of money in the hands of those bankers, shroffs or agents and held by them at the credit and disposal of the persons drawing such cheques or drafts.</p>
	<p>26. (1) Any person contravening the provisions of section 25 shall, on conviction by a Magistrate of the first class, be punishable with a fine equal to the amount of the bill, hundi, note or engagement in respect whereof the offence is committed.</p>
	<p>(2) Every prosecution under this section shall be instituted by a person empowered in this behalf by the Governor General in Council.”</p>
37. The Cantonments Act,, 1924 (II of 1924).	(1) For section 3, the following shall be substituted, namely:—
	<p>“3. The Governor General in Council may, by notification in the <i>Gazette of India</i>, define or alter the limits of the Cantonment of Baroda for the purposes of this Act and of all other enactments for the time being in force.”</p>
	<p>(2) Sections 4 to 8 inclusive shall be omitted.</p>
	<p>(3) In section 60, for the words “within the province” the words “in British India” shall be substituted.</p>

Enactments applied.	Further modifications and restrictions.
37. The Cantonments Act, 1924 (II of 1924)— <i>contd.</i>	(4) After sub-section (2) of section 281, the following sub-section shall be inserted, namely:— “(3) Whenever the Governor General in Council has, by notification in the <i>Gazette of India</i> , made under section 280 any rule for any Cantonment in British India, or any part of such Cantonment, the Governor General in Council, may, by notification in the <i>Gazette of India</i> , declare the rule so made to be in force in the Cantonment of Baroda or any part thereof, subject to such restrictions and modifications, if any, as he may think fit. The rule shall thereupon be in force in the Cantonment of Baroda or part thereof, as the case may be, until the Governor General in Council shall otherwise direct.”
38. The Indian Soldiers (Litigation) Act, 1925 (IV of 1925).	Sub-section (3) of section 1 shall be omitted.
39. The Indian Succession Act, 1925 (XXXIX of 1925).	(1) The provisions of the Act, shall not be applicable to Native Christians. (2) For section 382, the following shall be substituted, namely:— “382. Where a certificate in the form of Schedule VIII to this Act has been granted under the Indian Succession Act, 1925, by a Court having jurisdiction under the Act in British India or under the Act as applied in any area outside British India which is under the administration of the Governor General in Council, or where a certificate in the form, as nearly as circumstances admit, of the said schedule has been granted to a resident within a foreign State by the British representative accredited to the State, or where a certificate so granted has been extended in such form by such Court or by such representative, the certificate shall have the same effect as a certificate granted or extended under this Act.”

#### *Bombay Regulations.*

1. The Bombay Administration of Estates Regulation, 1827 (VIII of 1827). The words “Sadr Diwani Adalat” shall be read as referring to the Court of the Resident at Baroda.

#### *Acts of the Governor of Bombay in Council.*

1. The Bombay Abkari Act, 1878 (V of 1878). (1) References to the “Presidency of Bombay”, the “Bombay Presidency” and the “said Presidency” shall be read as referring to the Cantonment of Baroda; and references to the *Bombay Government Gazette* as referring to the *Gazette of India*.



Enactments applied.	Further modifications and restrictions.
1. The Bombay Abkari Act, 1878 (V of 1878)— <i>contd.</i>	<p>(2) The Resident at Baroda shall exercise the powers of a Commissioner and the Executive Officer, Baroda Cantonment, the powers of a Collector, under the Act.</p> <p>(3) Clause (a) of sub-section (1) of section 9, clause (b) of section 10 and sub-section (2) of section 16 shall be omitted.</p> <p>(4) In clause 18 of section 3 and in sections 9 and 19, the words "British India" shall remain unmodified.</p> <p>(5) To proviso (i) to section 19 the following shall be added, namely:—  "or on which duty at import tariff rates has been levied in British India or in any area under the administration of the Governor General in Council."</p> <p>(6) In proviso (ii) to section 19, for the words "manufactured in India" the words "on which duty at import tariff rates has not been levied in British India or in any area under the administration of the Governor General in Council" shall be substituted.</p> <p>(7) Section 19-A shall be subject to the proviso that duty shall not be paid otherwise than in the Cantonment of Baroda except with the sanction of the Resident at Baroda.</p>
2. The Bombay District Police Act, 1890 (IV of 1890).	<p>References to the "Presidency of Bombay" shall be read as referring to the Cantonment of Baroda and references to the <i>Bombay Government Gazette</i> as referring to the <i>Gazette of India</i>.</p>
3. The Bombay Public Conveyances Act, 1920 (VII of 1920).	<p>(1) References to the Commissioner of Police shall be read as referring to the Executive Officer, Baroda Cantonment, and references to a Magistrate as referring to the Indian Assistant Resident; references to the City of Bombay as referring to the Cantonment of Baroda; and the reference to the <i>Bombay Government Gazette</i> as referring to the <i>Gazette of India</i>.</p> <p>(2) For sub-section (2) of section 1, the following shall be substituted, namely:—  "(2) This section and sections 36 and 38 shall come into force at once. The rest of the Act, or any specified provision thereof, shall come into force in the Cantonment of Baroda on such date as the Resident at Baroda, by notification in the <i>Gazette of India</i>, may direct."</p> <p>(3) Clause (a) of section 2 shall be omitted.</p>

Enactments applied.	Further modifications and restrictions
3. The Bombay Public Conveyances Act, 1920 (VII of 1920)— <i>contd.</i>	<p data-bbox="546 206 996 274">(4) For sub-section (1) of section 7, the following shall be substituted namely:—</p> <p data-bbox="546 274 996 391">“(1) For the grant of a license for a public conveyance there shall be levied a fee of one rupee per mensem for the period for which the license is granted.”</p> <p data-bbox="546 391 996 459">(5) For sub-section (1) of section 14, the following shall be substituted, namely:—</p> <p data-bbox="546 459 996 575">“(1) For the grant of a license to a driver there shall be charged a fee of one rupee per mensem for the period for which the license is granted.”</p> <p data-bbox="546 575 996 660">(6) In sub-section (2) of section 31, for the word “Inspector” the word “Sub-Inspector” shall be substituted.</p> <p data-bbox="546 660 996 712">(7) For section 36, the following shall be substituted, namely:—</p> <p data-bbox="546 712 996 865">“36. (1) When in pursuance of sub-section (2) of section 1, this Act or any portion thereof has been brought into force in the Cantonment of Baroda, the Resident at Baroda may, by notification in the <i>Gazette of India</i>, direct—</p> <p data-bbox="586 865 996 939">(a) that any class of vehicles shall be exempt from all or any of the provisions of this Act, or</p> <p data-bbox="586 939 996 1115">(b) that all or any of the provisions of this Act, except those which relate to plying for hire, shall apply to vehicles or to any class of vehicles which are kept or ordinarily let, for hire, but which are not used for the purpose of plying for hire.</p> <p data-bbox="546 1115 996 1224">(2) A notification under sub-section (2) of section 1, bringing into force any provision of this Act shall be published at least thirty days before the date fixed for the purpose.</p> <p data-bbox="546 1224 996 1333">(3) When any provision of this Act has been so brought into force the proceeds of any license fees charged thereunder shall be credited to the Baroda Cantonment Fund.”</p> <p data-bbox="546 1333 996 1386">(4) Sections 37, 39 and the Schedule shall be omitted.</p>

*Act of the Bombay Legislative Council.*

1. The Court-fees (Bombay Amendment) Act, 1926 (III of 1926). In section 1—
- (a) the reference to the Presidency of Bombay shall be read as referring to the Cantonment of Baroda; and
- (b) sub-section (3) shall be omitted.

[*Gazette of India*, 1929, Pt. I, p. 624.]







**VI.—Local Laws.<sup>1</sup>***Rules regulating the reciprocal realization of State demands between the Cantonment of Baroda and the Baroda State.*

No. 13310, dated the 24th September, 1928.—With the sanction of the Governor General in Council and the concurrence of the Government of His Highness the Gaekwar of Baroda, the following rules are prescribed for regulating the reciprocal realization of State demands between the Cantonment of Baroda and the Baroda State:—

1. The Judge of the Court of Small Causes, Baroda Cantonment, is authorised by the Governor General in Council to realize, against the property or person of any individual residing in or possessing property within the local limits of his jurisdiction, State demands preferred by His Highness the Gaekwar's Government, provided that the said State demands be forwarded for realization, with the requisite statement of State demands through the Resident at Baroda.

2. Should a demand be realized, its amount will be remitted together with a certificate of realization, through the Resident at Baroda, to the Baroda Government. Should realization be impossible, the demand will be endorsed to that effect and returned, through the Resident at Baroda, to the Baroda Government.

3. The Resident at Baroda may also forward to the Baroda Government for realization State demands of the British Government arising within the Cantonment of Baroda.

4. State demands to be realized for the Baroda Government, or to be sent for realization by the Resident at Baroda to the Baroda Government, will be restricted to items of revenue or other incomings connected with land revenue, water rates, abkari or customs; or debts due on contract for the farm or collection of the same, or on contract for the execution of public or other works between individuals and the Government of Baroda on the one hand, or individuals and the British Government on the other; or fines or forfeitures leviable from such contractors or other sureties.

5. In effecting the realization of a State demand the Judge of the Court of Small Causes, Baroda Cantonment, will, as far as may be convenient, be guided by the law or rules obtaining in the Bombay Presidency for the realization of the State demands. He will refer doubtful points for the orders of the Resident at Baroda whose decision shall be final.

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<sup>1</sup> For other Local Laws made under the Indian (Foreign Jurisdiction) Order in Council, 1902, see the Orders relating to Courts *supra*, p. 11.

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This supersedes Baroda Residency Notification No. 11650, dated the 1st November, 1890.

[*Gazette of India*, 1928, Pt. II-A, p. 297.]

*Publication of newspapers and other printed works.*

*No. 2651-I., dated the 25th June, 1891.—Printed in Appendix XVII.*







## VII.—Orders relating to Courts.

### *Execution of capital sentences in British India.*

*No. 1431-I., dated the 27th April, 1893.*—Printed in Appendix XIX.

*Criminal law and procedure of British India applicable to British subjects in Indian States.*

*No. 1863-I. A., dated the 13th May, 1904.*—Printed in Appendix IV.

*High Court at Bombay to exercise jurisdiction over European British subjects.*

*No. 580-D., dated the 26th January, 1917.*—Printed in Appendix IV.

*Justices of the Peace to commit to the High Court at Bombay.*

*No. 582-D., dated the 26th January, 1917.*—Printed in Appendix IV.

*Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.*

*No. 319-D., dated the 16th January, 1917.*—Printed in Appendix IV.

### *Appointment of Justices of the Peace.*

*No. 617-I., dated the 22nd December, 1924.*—Printed *supra*, p. 11.

### *Constitution of Civil and Criminal Courts.*

*No. 1188-I. B., dated the 9th June, 1911.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in supersession of Part II of the notification of the Government of India in the Foreign Department, No. 438-I. A., dated the 17th February, 1899, as amended by the like notification No. 1096-I. B., dated the 28th April, 1899, and of Part II of notification No. 2919-I., dated the 3rd September, 1890, the Governor-General in Council is pleased to provide as follows for the administration of justice within the Cantonment of Baroda.

#### PART I.—CRIMINAL JURISDICTION.

For the purposes of criminal jurisdiction within the said Cantonment, the following arrangements shall be made, namely:—

1. <sup>1</sup>[The Indian Assistant for the time being to the Resident at Baroda] shall exercise the powers of a Magistrate of the first class, as described in the Code of Criminal Procedure, 1898.

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<sup>1</sup>Substituted by Notification No. 210—1, dated 1st May, 1924. *Gazette of India, 1924, Pt. I, p. 329.*

2. The First Assistant for the time being to the Resident at Baroda shall exercise the powers of a District Magistrate and those of a Court of Session as described in the Code of Criminal Procedure, 1898.

3. The Resident at Baroda for the time being shall exercise the powers of a Court of Session and those of a High Court, respectively, as described in the Code of Criminal Procedure, 1898, in respect of all offences over which the jurisdiction of a Magistrate and of a Court of Session, respectively, is exercised by the First Assistant: Provided that:—

(a) the First Assistant shall not commit any accused person for trial to the Resident acting as a Court of Session; and

(b) in cases in which the Code requires the sentence of a Court of Session to be confirmed by the High Court, the sentence shall be referred for confirmation to the Governor-General in Council, instead of to the Resident.

4. In exercise of the jurisdiction of a Court of Session conferred on him by these orders, the First Assistant to the Resident may take cognizance of any offence, as a Court of original criminal jurisdiction, without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates.

5. A trial before the First Assistant to the Resident of an accused person who has been committed by a Magistrate may be without jury or the aid of assessors.

6. This part of these orders applies to all proceedings except proceedings against European British subjects or persons jointly charged with European British subjects; and

## PART II.—CIVIL JURISDICTION.

For the purposes of civil jurisdiction within the said Cantonment, the following arrangements shall be made, namely:—

1. The First Assistant for the time being to the Resident at Baroda shall exercise the powers of a District Court, as described in the Code of Civil Procedure, 1908, with jurisdiction in all original suits, whatever be the amount or value of the subject matter, and in all other cases in which jurisdiction is conferred on the District Court by the law for the time being in force in the said Cantonment.

2. Appeals shall lie, subject to the provisions of the enactments for the time being in force in the said Cantonment, from the decrees and orders of the said District Court to the Resident at Baroda, who shall

exercise the powers of a High Court for all purposes whatsoever connected with the administration of civil justice within the said Cantonment.

[*Gazette of India*, 1911, Pt. I, p. 438.]

*Courts in British India empowered to send <sup>1</sup>decrees to the Small Cause Court and the District Court of Baroda Cantonment for execution.*

No. 786-I. B., dated the 9th April, 1913.—Printed in Appendix XXIA.

*Service and execution by the Courts of the Baroda Cantonment of summonses and decrees.*

(a) of Civil or Revenue Courts in British India;<sup>2</sup>

(b) of other Courts established or continued by the Governor General in Council;<sup>2</sup>

(c) of certain Courts of Indian States.

No. 322-I., dated the 15th May, 1929.—Printed in Appendix XXIA.

*Service of summonses and execution of decrees of the Courts of Baroda Cantonment<sup>3</sup> by other Courts established or continued by the Governor General in Council.*

No. 322-I., dated the 15th May, 1929.—Printed in Appendix XXIA.

*Service of summonses and execution of decrees of the Courts of the Baroda Cantonment by Civil Courts of the Baroda and Mysore States.*

No. 398-I. B., dated the 25th February, 1910.—Printed in Appendix XXI-C.

No. 2622-I. B., dated the 24th December, 1912.—Printed in Appendix XXI-C.

No. 2623-I. B., dated the 24th December, 1912.—Printed in Appendix XXI-C.

*Reciprocal service of summonses by Civil Courts of the Baroda Cantonment and Civil Courts in (a) Kenya.*

No. 397-I., dated the 13th August, 1924.—Printed in Appendix XXI-D.

<sup>1</sup> As regards summonses see Rule 26 (a) of Order V of the First Schedule of the Code of Civil Procedure, 1908, read with clause (1) of Notification No. 322-I., dated the 15th May, 1929. Printed in Appendix XXI-A.

<sup>2</sup> These Courts may send their summonses and decrees to Courts in British India for service and execution. See sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908).

<sup>3</sup> See also sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908), as locally applied.

(b) *Persia.*

*No. 460-I., dated the 30th July, 1928.*—Printed in Appendix XXI-D.

*Service by the Court of the Indian Assistant to the Resident of summonses of Criminal Courts of the Baroda State.*

*No. 4424-I., dated the 26th December, 1890.*—Printed *supra*, p. 13.

*Remission of fees on decrees of Courts of the Baroda State forwarded for execution to Courts in the Cantonment.*

*No. 2266-I. B., dated the 11th October, 1916.*—Printed *supra*, page 14.

*Remission of fees leviable under articles 11, 12 and 12 (a) of the First Schedule of the Court-Fees Act, 1870, in certain cases.*

*No. 15412, dated the 21st September, 1925.*—Printed *infra*, page 37.





### VIII.—Orders under Acts locally applied.

*Acts of the Governor General in Council and of the Indian Legislature.*

#### PARSI MARRIAGE AND DIVORCE ACT, 1865.

*Executive Officer, Baroda Cantonment, to be Registrar.*

No. 693-A., dated the 12th January, 1925.—In exercise of the powers conferred by section 7 of the Parsi Marriage and Divorce Act, 1865 (XV of 1865), as applied to the Cantonment of Baroda, the Resident at Baroda is pleased to appoint the Executive Officer, Baroda Cantonment, for the time being to be the Registrar for the purposes of the said Act in the Cantonment of Baroda.

2. Baroda Residency Notification No. 8504, dated the 11th August 1911, is hereby cancelled.

[*Gazette of India*, 1925, Pt. II-A, p. 40.]

#### COURT-FEES ACT, 1870.

*Remission of fees in certain cases.*

No. 15412, dated the 21st September, 1925.—In exercise of the powers conferred by section 35 of the Court Fees Act, 1870 (VII of 1870), as applied to the Cantonment of Baroda, the Resident at Baroda is pleased to make in the Cantonment of Baroda the remissions herein-after set forth in the fees leviable under Articles 11, 12 and 12 (a) of the First Schedule of the said Act, as so applied, on the property of (i) any person subject to the Naval Discipline Act (29 and 30 Vict., c. 109), the Army Act (44 and 45 Vict., c. 58), the Air Force Act (7 & 8 Geo. 5., c. 51), or the Indian Army Act, 1911 (VIII of 1911), who is killed or dies from wounds inflicted, accidents occurring or disease contracted while on active service or on service which is of a warlike nature or involves the same risk as active service, and (ii) any person being a Government servant, civil and military, who dies from wounds inflicted while in actual performance of his official duties or in consequence of those duties.

#### REMISSIONS.

(a) Where the amount or value of property, in respect of which the grant of probate or letters of administration is made, or which is specified in the certificate under Part X of the Indian Succession Act, 1925 (XXXIX of 1925) as applied, does not exceed Rs. 50,000, the whole of the fees leviable in respect of that property.

(b) Where the said amount or value exceeds Rs. 50,000, the whole of the said fees in respect of the first Rs. 50,000.

[*Gazette of India*, 1925, Pt. II-A, p. 302.]



## CATTLE-TRESPASS ACT, 1871.

*Scale of fees for impounded cattle.*

No. 8745, dated the 25th May, 1925.—In exercise of the powers conferred by section 12 of the Cattle Trespass Act, 1871 (I of 1871), as amended by the Cattle Trespass (Amendment) Act, 1921 (XVII of 1921)<sup>1</sup>, the Resident at Baroda is pleased to prescribe, with effect from the 28th May 1925, the following scale of fines to be levied for every head of cattle impounded under the said Act:

Cattle.	Fine per head.		
	Rs.	A.	P.
Elephant . . . . .	4	0	0
Camel or buffalo . . . . .	1	0	0
Horse, mare, gelding, pony, colt, filly, mule, bullock, cow or heifer . . . . .	0	8	0
Calf, ass or pig . . . . .	0	4	0
Ram, ewe, sheep, lamb, goat or kid . . . . .	0	2	0

[*Gazette of India*, 1925, Pt. II-A, p. 173.]

*Extension of section 26 to cattle and enhancement of fine.*

No. 7565, dated the 29th May, 1928.—In exercise of the powers conferred by section 26 of the Cattle Trespass Act, 1871 as amended by section 8 of Act I of 1891, and as applied to the Cantonment of Baroda, the Resident at Baroda is pleased to direct that, with respect to the Cantonment of Baroda, the first paragraph of the said section 26 of the Cattle Trespass Act of 1871 shall be read as if it had reference to cattle generally instead of to pigs only, and as if the words "fifty rupees" were substituted for the words "ten rupees".

[*Gazette of India*, 1928, Pt. II-A, p. 189.]

## INDIAN ARMS ACT, 1878.

*Baroda Cantonment Arms Rules, 1924.*

No. 465-G., dated the 29th September, 1924.—In exercise of the powers conferred by sections 4, 17 and 27 of the Indian Arms Act, 1878 (XI of 1878) as applied to the Cantonment of Baroda, the Governor General in Council is pleased to make the following rules:—

1. *Short title.*—(1) These rules may be called the Baroda Cantonment Arms Rules, 1924.

(2) They shall come into force on the 1st October, 1924.

<sup>1</sup> The Cattle Trespass (Amendment) Act, 1921, was brought into force in the Cantonment of Baroda with effect from the 27th May, 1925.—*See Resident's Notification No. 8744, dated the 25th May, 1925—Gazette of India*, 1925, Pt. II-A, p. 173.

2. *Interpretation.*—(1) In these rules unless there is anything repugnant in the subject or context:—

(a) “ Form ” means a Form as set out in Schedule III;

(b) “ the Act ” means the Indian Arms Act, 1878, as applied to the Baroda Cantonment,

(c) “ the Resident ” means the Resident at Baroda.

X of 1897.

(2) The General Clauses Act, 1897, as applied to the Baroda Cantonment shall apply for the purpose of the interpretation of these rules in like manner as it applies for the purpose of the interpretation of an Act of the Governor General in Council, as applied to the said Cantonment.

### *Application of the Act.*

3. *Exemption and exclusion.*—(1) The persons and classes of persons and the arms and ammunition specified or described in Schedules I and II are, respectively, exempted and excluded to the extent and subject to the conditions therein specified from the operation of prohibitions and directions contained in the Act:

Provided that the exemptions specified in Schedule I are made subject to the following conditions, namely:—

(a) they shall not be deemed to render lawful the import of arms and ammunition through the medium of the Post Office into the area to which these rules apply from the areas of the Baroda State directly administered by His Highness the Maharaja, Gaekwar;

(b) any person so exempted shall register, in such manner as the Resident may prescribe, any fire-arm or ammunition for the same in respect of which he is exempted from the operation of any provision of the Act;

(c) every person shall on the loss or theft of any arm in respect of which he is so exempted, forthwith report the occurrence at the nearest police-station; and

(d) the Governor General in Council may, by notification in the *Gazette of India* direct that any such exemption conferred on a class of persons shall cease to apply to any person included in that class who may be named in the notification.

(2) Any person failing to comply with any condition of exemption set out in provisos (b) and (c) to sub-rule (1) shall be deemed to have violated these rules.

4. *Extension*.—For the purposes of the definition of “military stores” in section 4 of the Act all sections of the Act are extended throughout the Baroda Cantonment to all lead, sulphur and saltpetre.

*Import.*

5. *Import from British India*.—For import of arms, ammunition, or military stores from British India, a copy of the export licence granted under the Indian Arms Rules, 1924, shall be deemed to be an import licence under section 6 of the Act.

*Export.*

6. *Export to British India*.—For export to British India a copy of the import licence, issued under the Indian Arms Rules, 1924, shall be deemed to be an export licence under section 6 of the Act.

*Manufacture and Sale.*

7. *Manufacture, conversion, sale, and keeping for sale of arms, ammunition or military stores*.—(1) A licence—

(a) in Form I to manufacture, convert, sell or keep for sale; or

(b) in Form II to sell and keep for sale, any arms, ammunition or military stores (other than breech-loading rifles, rifle ammunition and military stores for rifles) may be granted by the District Magistrate or other officer empowered by the Resident in that behalf.

(2) A licence—

(a) in Form III to manufacture, convert, sell or keep for sale; or

(b) in Form IV to sell or keep for sale, breech-loading rifles, rifle ammunition or military stores for rifles may be granted by the Resident: provided that no such licence shall be granted in the case of rifles of .303 or .450 bore or of pistols or revolvers of .441, .455 or any intermediate bore or ammunition which can be fired from such rifles, pistols or revolvers.

(3) Every Magistrate and every Police officer not below the rank of Sub-Inspector may, within the local limits of his authority,—

(a) enter and inspect any premises in which arms, ammunition or military stores are manufactured, converted, sold or kept for sale; and

(b) examine the stock and accounts of receipts and sales of arms, ammunition or military stores.

*Keeping for safe custody.*

8. A licence to keep for safe custody fire-arms and ammunition deposited by their owners for that purpose may be granted in Form V by the District Magistrate or other officer empowered by the Resident in that behalf to the holder of a licence in Form I, II, III or IV.

*Possession.*

9. *Restriction upon possession of cannon and certain other articles.*—No licence shall be granted for the possession of—

- (a) cannon;
- (b) articles designed for torpedo service;
- (c) War rockets; or
- (d) machinery for the manufacture of arms or ammunition.

10. *Possession of arms, ammunition or military stores.*—Save as otherwise provided by rule 9, a licence for the possession only of arms (other than pistols or revolvers), ammunition or military stores may be granted in Form VI by the District Magistrate or other officer empowered by the Resident in that behalf.

*Possession and use for target practice by clubs, etc.*

11. *Possession and use of fire-arms and ammunition for the purposes of target practice.*—A licence for the possession and use of fire-arms for the purposes of target practice, by the members of any military mess or of any club or association may, with the sanction of the Resident, be granted in Form VII in the name of the mess, club or association by the District Magistrate or other officer empowered by the Resident in that behalf.

*Possession and going armed.*

12. *Possession of arms and ammunition and going armed for sport, protection or display.*—Save as otherwise provided by rule 9, a licence for the possession of arms and ammunition in reasonable quantities and for going armed for the purpose of sport, protection or display, may be granted in Form VIII by the District Magistrate or other officer empowered by the Resident in that behalf: provided that—

- (i) no licence shall be granted for the possession of rifles of .303 or .450 bore or of pistols or revolvers of .441, .455 or any intermediate bore or of ammunition for the same or for going armed with such rifles, pistols or revolvers unless

- such rifles, pistols or revolvers or such ammunition have been lawfully imported into the Baroda Cantonment; and
- (ii) no licence shall be granted in respect of balled ammunition for rifles, pistols or revolvers of such bores, unless the authority granting the licence is satisfied that such rifle is lawfully possessed by the owner thereof for sporting purposes or that such pistol or revolver has been lawfully imported into Baroda Cantonment, as the case may be, and the amount of balled ammunition which such licensee may possess, during the period of twelve months next ensuing shall be entered in the licence.

13. *Validity of licence granted in British India.*—A licence granted under rule 33 of the Indian Arms Rules, 1924, may, on countersignature by the District Magistrate or other officer empowered by the Resident in that behalf, be made valid within the limits of the Baroda Cantonment subject to any restrictions which may be imposed by any general or special order of the Resident.

*Application for and grant of licences.*

14. *Particulars to be stated in application.*—Every person who wishes to obtain a licence under these rules shall apply in writing, through the medium of the post office or otherwise at his option to the nearest authority empowered to grant such licence, and shall in such application furnish all such particulars as may be necessary to enable such licence to be granted.

15. *Form and language of licence.*—(1) Every licence shall be granted or renewed in the appropriate Form and subject to the conditions set forth in such Form and save as therein otherwise expressly provided, the arms, ammunition or military stores specified and the persons named in the licence shall alone be covered thereby.

(2) Every such licence shall be written or printed in English.

16. *Duration and renewal of licences.*—(1) Save as herein otherwise provided, every licence under these rules shall, unless previously cancelled, be in force for such period and expire on such day as, subject to any restrictions or limitations provided in the appropriate Form, the authority granting it may enter thereon.

(2) Every licence may, at its expiration, and subject to the same conditions (if any) as to previous sanction as would apply in the granting thereof be renewed by the authority who granted it or by any authority empowered to grant a licence of the description in question: provided that a licence in Form III or IV may be renewed either by the Resident or by the District Magistrate.

17. *Discretion and control of authorities empowered to grant licences.*—(1) Any authority empowered to grant or renew a licence may, in his discretion,—

- (a) refuse to grant or renew such licence, or
- (b) refer the application for orders to the Resident;

provided that in any case in which such authority other than the Resident refuses to grant or renew a licence, the applicant for such grant or renewal may appeal to the Resident, whose decision shall be final.

(2) Every such authority shall exercise all powers and perform all duties, conferred or imposed by these rules, subject to the control of the executive authorities to whom he is subordinate.

18. *Obligation to produce licences.*—(1) Any person who—

- (a) holds a licence granted or renewed under these rules, or
- (b) is acting under colour of such licence, shall forthwith produce such licence upon the demand of any Magistrate or of any Police officer of a rank not below that of officer in charge of a Police-station.

(2) Nothing in sub-rule (1) shall be deemed to limit or otherwise affect the power of any authority empowered to grant or renew a licence to grant or renew it upon any condition not inconsistent with that sub-rule, with respect to the production of such licence.

19. *Production of arms.*—The authority by whom any licence has been granted under rule 10 or rule 12 may, for the purpose of satisfying himself that any arms covered by such licence are still in the possession of the licensee, at any time while the licence is in force by order in writing require the licensee to produce the arms at such time and place and for the inspection of such person as may be specified in the order.

#### *Fees.*

20. *Fees payable for licences.*—(1) Every licence granted or renewed under these rules shall, save as herein otherwise expressly provided, be chargeable with the fee (if any) indicated in the Form in which it is granted or renewed under these rules.

(2) The Governor General in Council may, by general or special order grant exemption from, or reduction of, the fee payable in respect of any licence.

(3) No fee shall be chargeable in respect of the grant or renewal of any licence in Form VIII to any member of any of the classes of

persons specified in the first column of Schedule VII to the Indian Arms Rules, 1924, for possession of and going armed with the arms and ammunition specified in the corresponding entry in the second column thereof.

21. *Fees payable for duplicates.*—Where a licence granted or renewed under these rules is lost or accidentally destroyed, the authority empowered to grant such licence may grant a duplicate—

- (a) where the original licence was granted without the payment of any fee, free of all fees; or
- (b) in any other case, on payment of a fee of one rupee or of the fee with which the original licence was chargeable, whichever is less.

22. *Collection and refund of fees.*—(1) All fees payable under rule 20 or rule 21 shall be paid by means of non-judicial stamps or in cash at the option of the applicant.

(2) Where a fee of not less than one rupee payable under these rules has been realised, and the application for the grant or renewal of a licence or duplicate is refused, the value of the fee shall be refunded, upon application for the same being made within two months from the date of such refusal.

### *Savings.*

23. *Savings.*—All licences or duplicates granted or renewed, and all fees imposed, levied, remitted or reduced before the passing of these rules shall, so far as they are consistent herewith, be deemed to have been respectively made, granted, renewed, imposed, levied, remitted or reduced hereunder.

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## SCHEDULE I.

(See rule 3.)

### PERSONS EXEMPTED.

The persons or classes of persons specified or described in the first column of the sub-joined table are subject to the provisions of provisos (b) and (c) to rule 3, exempted, in respect of the arms and ammunition described in the second column, when carried or possessed (save where otherwise expressly stated) for their own personal use, from such prohibitions and directions contained in the Act as are indicated in the fourth column, subject to the provisos and restrictions entered in the third column.

THE TABLE.

Persons or classes of persons.	Arms and ammunition.	Provisos and restrictions.	Prohibitions and directions.
1. All persons and classes of persons who in British India are exempted from the prohibitions and directions contained in sections 13 to 15 of the Indian Arms Act, 1878 (XI of 1878).	In respect of such arms and ammunition as are specified in this behalf in respect of such person, or class of persons in Schedule I to the Indian Arms Rules, 1924.	The arms or ammunition carried or possessed by any person, herein exempted, shall be of such description only and shall not exceed such quantities, if any, as the Governor General in Council, or the Resident, may declare to be reasonable for him to carry or possess.	Those contained in sections 13 to 15.
2. All persons and classes of persons who in the area to which these rules apply occupy positions similar to those held by persons described in entry 1 above and are designated by the Resident.	<p>All except—</p> <p>(a) cannon,</p> <p>(b) articles designed for torpedo service,</p> <p>(c) war rockets.</p> <p>(d) rifles of '303 or '450 bore and pistols and revolvers of '441, '455 or any intermediate bore (and ammunition which can be fired from the same, not lawfully imported into the Baroda Cantonment,</p> <p>(e) machinery for the manufacture of arms or ammunition, and</p> <p>(f) appliances, the object of which is the silencing of fire-arms.</p>	<p>The exemption shall be subject to such orders as the Resident may make regarding—</p> <p>(a) the persons to be included in this category,</p> <p>(b) the number of retainers and the quantity and description of arms and ammunition to be permitted in each case,</p> <p>(c) the purposes for which such arms may be carried.</p> <p>(d) the areas within which the exemption is to be allowed.</p>	Ditto.
3. (a) Such members of the family of His Highness the Maharaja Gaekwar of Baroda and such Arsus, nobles and officials as may be designated by the Resident, and	Ditto . .	Ditto . .	Ditto.
(b) the retainers of such persons referred to in sub-head (a) on the latter entering, passing through or residing in the Baroda Cantonment to such numbers as may be agreed to by the Resident under his special or general orders.	Ditto . .	The exemption shall be subject to such conditions, if any, as may be prescribed by the Resident.	Ditto.



## SCHEDULE II.

(See rule 3.)

## ARMS, AMMUNITION AND MILITARY STORES EXCLUDED.

The arms, ammunition and military stores described in the first column are excluded from the operation of such prohibitions and directions contained in the Act as are indicated in the second column.

## THE TABLE.

Arms, ammunition or military stores.	Prohibitions and directions.
<p>1. All arms except—</p> <ul style="list-style-type: none"> <li>(a) cannon,</li> <li>(b) fire-arms,</li> <li>(c) air guns and air pistols,</li> <li>(d) articles designed for torpedo service,</li> <li>(e) war rockets,</li> <li>(f) machinery for the manufacture of arms, and</li> <li>(g) appliances the object of which is the silencing of fire-arms:</li> </ul>	<p>All; provided that the Resident may, by notification in the local official gazette, retain all or any of the prohibitions and directions contained in the Act in respect of any arms in the case of any class of persons or of any specified area.</p>
<p>Provided that the exceptions in respect of cannon, fire-arms, air guns and air pistols shall not apply—</p>	
<ul style="list-style-type: none"> <li>(a) to cannon and firearms which are obsolete and unserviceable and of purely antiquarian value or which are in the possession of a regiment or military mess as trophies or curiosities or otherwise solely for purposes of ornament or display; or</li> <li>(b) to toy cannon weighing less than 56 lbs. and having— <ul style="list-style-type: none"> <li>(i) a calibre of less than one inch,</li> <li>(ii) a length of bore of less than 24 inches,</li> <li>(iii) the interior of the bore unrifled, or</li> </ul> </li> <li>(c) to air guns and air pistols which satisfy the following test, namely, that projectiles discharged from such guns or pistols do not perforate a target 12 inches square formed by five strawboards of foolscap size, each board being 3/64ths of an inch thick and closely held together in a frame.</li> </ul>	

**Explanation.**—In making and estimating the test the following conditions shall be observed, namely—

- (1) the gun or pistol shall be held horizontally with the muzzle at a distance of five feet from the target;

Arms, ammunition or military stores.	Prohibitions and directions.
(2) the test shall be repeated twenty times for each class of projectile which can be discharged from the gun or pistol; and	
(3) perforation shall be deemed to be effected in a case where the projectile is a dart, if the point of the dart pierces the back of the target and in any other case if the projectile passes completely through the back of the target.	
2. Sights for rifles imported for the use of, or for sale to, the persons enumerated in entry 8 of Schedule I to the Indian Arms Rules, 1924, or non-commissioned officers and soldiers of His Majesty's regular forces on a written permit from the officer commanding the regiment to which they belong.	All.
3. Explosives made in small quantities for the purpose of chemical experiment and not for practical use or for sale;	Those contained in sections 5 and 14.
and the following classes of explosives when intended <i>bond fide</i> for private blasting purposes:—	
(1) gunpowder in any quantity not exceeding 30 pounds;	Those contained in section 14.
(2) cartridges made with gunpowder and not containing their own means of ignition, and containing in all not more than 30 pounds of gunpowder;	
(3) percussion caps;	
(4) safety fuses.	
4. All arms, ammunition and military stores brought into the Baroda Cantonment from the areas of the Baroda State directly administered by His Highness the Maharaja Gaekwar except through the medium of the Post Office, provided the person importing such arms, ammunition or military stores is lawfully entitled to possess them.	Those contained in section 6.
5. All arms, ammunition and military stores taken out of the Baroda Cantonment into the areas of the Baroda State directly administered by His Highness the Maharaja Gaekwar provided the person taking out such arms, ammunition or military stores is lawfully entitled to possess them.	Do.
6. Gun-wads and wire-cartridges . . . . .	Do.
7. Lead required in good faith for industrial and manufacturing purposes (other than the manufacture of bullets and bird-shot) up to any quantity.	All.
8. Leaden bullets and bird-shot in quantity not exceeding such limits as the Resident may fix.	All.
9. Saltpetre . . . . .	All.
10. Sulphur in quantities not exceeding such limits as the Resident may fix.	All.

## SCHEDULE III.

## FORM I.

(IX of the Indian Arms Rules, 1924.)

[See rule 7 (1) (a).]

FEE—TWENTY RUPEES.

*Licence to manufacture, convert, sell or keep for sale, arms, ammunition or military stores (other than breech-loading rifles, rifle ammunition or military stores for rifles).*

Serial number of licence.	Name, description and residence of licensee and of duly authorized agent or agents, if any.	Place of business, factory or shop.	Description and number of Arms.		Description and quantity of ammunition or Military Stores.		Date on which the licence expires.
			To be manufactured or converted.	To be sold or kept for sale.	To be manufactured.	To be sold or kept for sale.	
1	2	3	4	5	6	7	8
							The 31st December 19 .

(Signature.)

The of 19



*District Magistrate,  
Baroda Cantonment,  
or other officer authorised by the Resident.*

*Form for renewal of the Licence.*

[illegible]

*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Baroda Cantonment, and of the Baroda Cantonment Arms Rules, 1924.
2. The licensee shall maintain registers of all arms, manufactured or converted, of all ammunition and military stores manufactured, of all stock in hand, and of all sales in such form as the Resident may direct.
3. He shall exhibit his stock and his registers on the demand of any Magistrate or any Police-officer of a rank not below that of Sub-Inspector.
4. (1) He shall affix, on a conspicuous part of his place of business, factory, or shop, a signboard, on which shall be painted in large letters in English and in the vernacular of the district, his name and the words "Licensed to manufacture (or "Licensed to deal in," as the case may be) arms, ammunition and military stores."
- (2) He shall also affix in his place of business, factory or shop a copy of section 28 of the Act, either in English or in the vernacular of the district.
5. He shall at the time of purchase of arms and at the time of purchase of ammunition for rifles other than .22 bore revolvers or pistols

endorse upon the licence of every purchaser holding a licence in Form VIII—

- (a) the name, description and residence of the person who takes delivery of the articles sold,
- (b) the nature and quantity of the articles sold, and
- (c) the date of sale,

and shall sign the endorsement.

6. He shall at the time of the sale of a weapon enter in his register the number and marks, if any, stamped on the weapon at the time of manufacture.

7. He shall give information of all sales of arms, ammunition and military stores to such person and in such manner as the Resident may direct.

8. He shall not sell to any person licensed to possess or carry arms, ammunition in excess of the maximum which may be fixed by the Resident for such person and which is endorsed on such person's licence.

9. He shall not sell arms, ammunition or military stores elsewhere than at the place of business, factory or shop specified in column 3.

10. He shall not sell arms, ammunition or military stores to an Indian officer, non-commissioned officer, or soldier of His Majesty's Indian Forces, unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

11. He shall not keep Government arms, ammunition or military stores or, unless he is specially authorised in this behalf by the Resident, keep or sell revolvers manufactured out of India or magazine pistols.

*Explanation.*—For the purposes of this condition—

- (a) "Government arm" means a fire-arm or other weapon which is the property of the Government; and
- (b) "Government ammunition," and "Government military stores" mean, respectively, ammunition and military stores manufactured in any Government factory, or prepared for and supplied to Government.

12. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms, ammunition or military stores covered by the licence.

NOTE.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or to fine which may extend to Rs. 500 or with both. (Section 21 of the Indian Arms Act, 1878.)

FORM II.

(X of the Indian Arms Rules, 1924.)

[See rule 7 (1) (b).]

FREE—TEN RUPEES.

*Licence to sell and keep for sale arms, ammunition or military stores (other than breech-loading rifles, rifle ammunition or military stores for rifles).*

Serial number of licence.	Name, description and residence of licensee, and of duly authorised agent or agents, if any.	Place of business or shop.	Description and—		Date on which the licence expires.
			Number of Arms.	Quantity of ammunition or military stores.	
1	2	3	4	5	6
					The 31st December 19 .

(Signature.)

*District Magistrate,*

*Baroda Cantonment,*

or other officer empowered by the  
Resident.

Seal.

*The of The 19 .*

*Form for renewal of the Licence.*

[illegible]

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*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Baroda Cantonment, and of the Baroda Cantonment Arms Rules, 1924.

2. The licensee shall maintain registers of all arms, ammunition and military stores in stock, and of all sales in such form as the Resident may direct.

3. He shall exhibit his stock and his registers on the demand of any Magistrate or any Police officer of a rank not below that of Sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business or shop, a signboard, on which shall be painted in large letters in English and in the vernacular of the district, his name and the words "Licensed to deal in arms, ammunition and military stores."

(2) He shall also affix in his place of business or shop a copy of section 28 of the Act, either in English or in the vernacular of the district.

5. He shall at the time of purchase of arms and at the time of purchase of ammunition for rifles other than .22 bore, revolvers or pistols endorse upon the licence of every purchaser holding a licence in Form VIII—

(a) the name, description and residence of the person who takes delivery of the articles sold,

(b) the nature and quantity of the articles sold, and

(c) the date of sale,

and shall sign the endorsement.

6. He shall at the time of the sale of a weapon enter in his register the number and marks, if any, stamped on the weapon at the time of manufacture.

7. He shall give information of all sales of arms, ammunition and military stores to such person and in such manner as the Resident may direct.

8. He shall not sell to any person licensed to possess or carry arms, ammunition in excess of the maximum which may be fixed by the Resident for such person and which is endorsed on such person's licence.

9. He shall not sell arms, ammunition or military stores elsewhere than at the place of business or shop specified in column 3.

10. He shall not sell arms, ammunition or military stores to an Indian officer, non-commissioned officer or soldier of His Majesty's Indian Forces, unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

11. He shall not keep Government arms, ammunition or military stores, or, unless he is specially authorized in this behalf by the Resident, keep or sell revolvers manufactured out of India or magazine pistols.

*Explanation.*—For the purposes of this condition—

- (a) "Government arm" means a fire-arm or other weapon which is the property of the Government; and  
(b) "Government ammunition" and "Government military stores" mean, respectively, ammunition and military stores manufactured in any Government factory, or prepared for and supplied to Government.

12. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms, ammunition or military stores covered by the licence.

NOTE.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or to fine which may extend to Rs. 500 or with both. (Section 21 of the Indian Arms Act, 1878.)

FORM III.

(XI of the Indian Arms Rules, 1924.)

[See rule 7 (2) (a).]

FEE—(a) where the licensee holds a licence in Form I, free of all charge.  
(b) in all other cases, twenty rupees.

*Licence to manufacture, convert, sell or keep for sale breech-loading rifles, rifle ammunition or military stores for rifles.*

Serial number of licence.	Name, description and residence of licensee and of duly authorized agent or agents, if any.	Place of business, factory or shop.	Description and number of Arms.		Description and quantity of ammunition or Military Stores.		Date on which the licence expires.
			To be manufactured or converted.	To be sold or kept for sale.	To be manufactured.	To be sold or kept for sale.	
1	2	3	4	5	6	7	8
							The 31st December 19 .



(Signature.)

First Assistant to the Resident at

Baroda.



*Form for renewal of the Licence.*

[illegible]

*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Baroda Cantonment, and of the Baroda Cantonment Arms Rules, 1924.

2. The licensee shall maintain registers of all arms, ammunition and military stores in stock and of all sales, in such form as the Resident may direct.

3. He shall exhibit his stock and his registers on the demand of any Magistrate or any Police officer of a rank not below that of Sub-Inspector.

4. (7) He shall affix on a conspicuous part of his place of business, factory or shop, a signboard, on which shall be painted in large letters in English his name and the words "Licensed to deal in breech-loading rifles, rifle ammunition and military stores for rifles."

(2) He shall also affix in his place of business, factory or shop a copy of section 28 of the Act, either in English or in the vernacular of the district.

5. He shall at the time of purchase of arms and at the time of purchase of ammunition for rifles other than '22 bore, revolvers or pistols endorse upon the licence of every purchaser holding a licence in Form VIII—

(a) the name, description and residence of the person who takes delivery of the articles sold,

(b) the nature and quantity of the articles sold, and

(c) the date of sale,

and shall sign the endorsement.

6. He shall at the time of the sale of a weapon enter in his register the number and marks, if any, stamped on the weapon at the time of manufacture.

7. He shall give information of all sales of arms, ammunition and military stores to such person and in such manner as the Resident may direct.

8. He shall not sell breech-loading rifles, rifle ammunition or military stores for rifles elsewhere than at the place of business, factory or shop specified in column 3.

9. He shall not keep Government arms, ammunition or military stores.

*Explanation.*—For the purposes of this condition—

(a) "Government arm" means a fire-arm or other weapon which is the property of the Government; and

(b) "Government ammunition" and "Government military stores" mean, respectively, ammunition and military stores manufactured in any Government factory or prepared for and supplied to Government.

10. He shall not sell arms, ammunition or military stores to an Indian officer, non-commissioned officer or soldier of His Majesty's Indian Forces, unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

11. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms, ammunition or military stores covered by the licence.

NOTE.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or to fine which may extend to Rs. 500 or with both. (Section 21 of the Indian Arms Act, 1878.)

## FORM IV.

(XII of the Indian Arms Rules, 1924.)

[See rule 7 (2) (b).]

FEE—(a) where the licensee already holds a licence in Form II, free of all charge;

(b) in all other cases, ten rupees.

*Licence to sell and keep for sale breech-loading rifles, rifle ammunition or military stores for rifles.*

Serial number of licence.	Name, description and residence of licensee, and of duly authorised agent or agents, if any.	Place of business or shop.	Description and—		Date on which the licence expires.
			Number of Arms.	Quantity of ammunition or military stores.	
1	2	3	4	5	6
					The 31st Decem- ber 19 .

(Signature.).

*First Asstt. to the Resident at Baroda.**The                      of                      19 .**Form for renewal of the Licence.*

Date and year of renewal.	Date on which the renewed licence expires.	Signature of the First Assistant to the Resident at Baroda or District Magistrate.

*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Baroda Cantonment, and of the Baroda Cantonment Arms Rules, 1924.

2. The licensee shall maintain registers of all arms, ammunition and military stores in stock, and of all sales, in such form as the Resident may direct.

3. He shall exhibit his stock and his registers on the demand of any Magistrate or any Police officer of a rank not below that of Sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business or shop, a signboard, on which shall be painted in large letters in English and in the vernacular of the district his name and the words "Licensed to deal in breech-loading rifles, rifle ammunition and military stores for rifles."

(2) He shall also affix in his place of business or shop a copy of section 28 of the Act either in English or in the vernacular of the district.

5. He shall at the time of purchase of arms and at the time of purchase of ammunition for rifles other than '22 bore, revolvers or pistols endorse upon the licence of every purchaser holding a licence in Form VIII—

(a) the name, description and residence of the person who takes delivery of the articles sold,

(b) the nature and quantity of the articles sold, and

(c) the date of sale,

and shall sign the endorsement.

6. He shall at the time of the sale of a weapon enter in his register the number and marks, if any, stamped on the weapon at the time of manufacture.

7. He shall give information of all sales of arms, ammunition and military stores to such person and in such manner as the Resident may direct.

8. He shall not sell arms, ammunition or military stores elsewhere than at the place of business or shop specified in column 3.

9. He shall not keep Government arms, ammunition or military stores.

*Explanation.*—For the purposes of this condition—

(a) "Government arm" means a fire-arm or other weapon which is the property of the Government; and

(b) "Government ammunition" and "Government military stores" mean, respectively, ammunition and military stores manufactured in any Government factory or prepared for and supplied to Government.

10. He shall not sell arms, ammunition or military stores to an Indian officer, non-commissioned officer or soldier of His Majesty's Indian Forces, unless such person produces a written pass or permit signed by

his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

11. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms, ammunition or military stores covered by the licence.

NOTE.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or to fine which may extend to Rs. 500 or with both. (Section 21 of the Indian Arms Act, 1878.)

FORM V.

(XIII of the Indian Arms Rules, 1924.)

(See rule 8.)

FREE OF ALL FEE.

*Licence for the possession by holders of licences in Form I, II, III or IV of fire-arms and ammunition deposited by their owners for safe keeping.*

Name, description and residence of licensee, and of duly authorised agent or agents, if any.	Description of fire-arms and ammunition.	Place (with description where articles are to be kept).	* Period for which the license is valid.
1	2	3	4

Seal.

(Signature.)

*District Magistrate, Baroda Cantonment,  
or officer empowered by the Resident.*

The of 19 .  
Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Baroda Cantonment, and of the Baroda Cantonment Rules, 1924.

2. It covers only fire-arms and ammunition of the description given in column 2 so long as they are kept in the place described in column 3 but does not authorise the licensee—

(i) to go armed, or

(ii) to keep Government arms or ammunition.

\* NOTE.—A licence in this Form will be granted for a period ending on the day on which the licensee's licence in Form I, II, III or IV, as the case may be, is due to expire.

*Explanation.*—For the purposes of this condition—

- (a) "Government arm" means a fire-arm or other weapon which is the property of the Government; and
- (b) "Government ammunition" means ammunition manufactured in any Government factory, or prepared for and supplied to Government.

3. The licensee shall maintain a register of all arms and ammunition in his possession under this licence in such form as the Resident may direct.

4. He shall exhibit such arms and ammunition and his register on the demand of any Magistrate or any Police officer of a rank not below that of Sub-Inspector.

5. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms or ammunition covered by the licence.

FORM VI.

(XIV of the Indian Arms Rules, 1924.)

(See rule 10.)

FREE OF ALL FEE.

*Licence for the possession of arms (other than pistols or revolvers), ammunition or military stores.*

Name, description and residence of licensee and agent (if any).	Number and description of arms.	Ammunition or Military Stores.		Place (with description where articles are to be kept).	* Period for which the licence is valid.
		Description.	Quantity.		
1	2	3	4	5	6

Seal.

(Signature.)

*District Magistrate, Baroda Cantonment,  
or other officer empowered by the Resident.*

The of 19 .

\* NOTE.—A licence in this Form may be granted for any period not exceeding three years.

*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Baroda Cantonment, and of the Baroda Cantonment Arms Rules, 1924.

2. It covers only the arms, ammunition and stores specified in columns 2, 3 and 4 so long as they are kept in the place described in column 5, but does not authorise the licensee—

(i) to go armed; or,

(ii) to keep Government arms or ammunition.

*Explanation.*—For the purposes of this condition—

(a) “ Government arm ” means a fire-arm or other weapon which is the property of the Government; and

(b) “ Government ammunition ” means ammunition manufactured in any Government factory or prepared for and supplied to Government.

3. Condition 2 (ii) may be cancelled by the authority granting the licence, if empowered to do so by the Resident, and an endorsement added showing the Government arms and ammunition which the licensee is authorised to possess.

4. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms covered by the licence.

5. The authority granting the licence has the right to inquire at any time during the currency of the licence, whether the weapon for which it has been granted is still in the possession of the licensee, and may require the production of the weapon for the purpose of such an inquiry.

*NOTE.*—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or to fine which may extend to Rs. 500 or with both. (Section 21 of the Indian Arms Act, 1878.)

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FORM VII.

(XV of the Indian Arms Rules, 1924.)

(See rule 11.)

**FEE**—(a) for each breech-loading pistol or revolver, TEN RUPEES;

(b) for each breech-loading weapon, FIVE RUPEES;

(c) for other weapons, EIGHT ANNAS, for each weapon.

The above mentioned fees are for licences granted for periods of one year or less. A licence in this Form may be granted for periods exceed-





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*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Baroda Cantonment, and of the Baroda Cantonment Arms Rules, 1924.

2. It covers only the mess, club or association named and the arms and ammunition described therein.

3. The mess, club or association, at the time of purchasing any new arms and at the time of purchasing ammunition for rifles other than .22 bore, revolvers or pistols shall cause the following particulars to be endorsed upon its licence under the vendor's signature, namely—

- (a) the name, description and residence of the person who takes delivery of the articles purchased on behalf of the mess, club or association;
- (b) the nature and quantity of the articles purchased; and
- (c) the date of purchase;

and if the arms or ammunition are purchased from any person other than the licensed dealer shall also cause the particulars specified in clauses (b) and (c) to be furnished in writing to the authority who granted this licence within such period as may be prescribed by that authority for this purpose.

4. The mess, club or association shall not purchase ammunition in excess of the maximum which may, from time to time, be fixed by the Resident.

5. The mess, club or association shall forthwith give information at the nearest police-station of the loss or theft of any arms covered by the licence.

6. The licence does not authorise any member of the mess, club or association to keep Government arms or ammunition.

*Explanation.*—For the purposes of this condition—

- (a) "Government arm" means a fire-arm or other weapon which is the property of the Government; and
- (b) "Government ammunition" means ammunition manufactured in a Government factory or prepared for and supplied to Government.

7. The Resident may require any fire-arm or ammunition possessed by the mess, club or association to be registered in such manner as the Resident thinks fit.

8. The authority granting the licence has the right to inquire at any time during the currency of the licence whether the weapons for which it has been granted are still in the possession of the mess, club or association and to require the production of such weapons for the purposes of such inquiry.

NOTE.—Any breach of conditions of this license is punishable with imprisonment for a term which may extend to six months or to fine which may extend to Rs. 500 or with both. (Section 21 of the Indian Arms Act, 1878.)

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FORM VIII.

(XVI of the Indian Arms Rules, 1924.)

(See rule 12.)

- I. FEE—(i) for a breech-loading pistol or revolver, TEN RUPEES;  
(ii) for any other breech-loading weapon, FIVE RUPEES;  
(iii) for other weapons, EIGHT ANNAS, for each weapon.

II. (a) The abovementioned fees are payable in respect of licences granted for the first time for periods of one year or less.

(b) Should the licence be renewed for a further period, and unless the licence is free of all fee, the following fees shall be payable in respect of each renewal for a period of one year or less:

- (i) for a breech-loading pistol or revolver, FIVE RUPEES;  
(ii) for any other breech-loading weapon, TWO RUPEES AND ANNAS EIGHT;  
(iii) for other weapons EIGHT ANNAS;

provided that in such cases application for renewal is made within one month of the date on which the licence expires, and if application is not made within that period, the licensing authority may, in his discretion, levy fees at the original rate.

III. A licence in this form may be granted or renewed for any period not exceeding three years; and if the period for which a licence is granted or renewed exceeds one year, unless the licence is free of all fee, the fee shall, subject to the proviso in II (b), be levied at the annual rates hereinbefore prescribed for grant or renewal, as the case may be.



*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Baroda Cantonment, and of the Baroda Cantonment Arms Rules, 1924.

2. It covers only the persons named, and the arms and ammunition described therein and such retainers (if any) as may be entered in column 5.

3. It extends only to the district or place specified in column 10.

4. The licensee or any retainer acting under this licence shall not go armed with any arms covered thereby otherwise than in good faith for the purpose of <sup>sport</sup> protection; and, save where he is specially authorised in this behalf, in any Presidency-town or Rangoon by the Commissioner of Police, or in any other place by the District Magistrate or a sub-divisional Magistrate specially empowered by the Local Government to grant licences, he shall not take any such arms to a fair, religious procession or other public assemblage.

5. The licensee, at the time of purchasing any new arms and at the time of purchasing ammunition for rifles other than .22 bore, revolvers or pistols shall cause the following particulars to be endorsed upon his licence under the vendor's signature:—

- (a) the name, description and residence of the person who takes delivery of the article purchased,
- (b) the nature and quantity of the articles purchased; and
- (c) the date of purchase,

and if the arms or ammunition are purchased from any person other than a licensed dealer shall also cause the particulars specified in clauses (b) and (c) to be furnished in writing to the authority who granted this licence within such period as may be prescribed for this purpose by such authority.

6. He shall not purchase ammunition or rifles, other than .22 bore, revolvers and pistols in excess of the maximum which may from time to time be fixed by the Resident.

7. He shall forthwith give information at the nearest police-station of the loss or theft of any arms covered by the licence.

8. He shall not possess Government arms and ammunition.

*Explanation:—*For the purposes of this condition—

- (a) "Government arm" means a fire-arm or other weapon which is the property of the Government; and

- (b) "Government ammunition" means ammunition manufactured in any Government factory, or prepared for and supplied to Government.

9. Condition 8 may be cancelled by the authority granting the licence if empowered to do so by the Resident, and an endorsement added showing the Government arms and ammunition which the licensee is authorised to possess.

10. Where the licence is granted for the purpose of sport, the licensee or any retainer acting under the licence shall observe such close season as may be prescribed by the Resident in respect of any game-birds and animals.

11. The licensee shall report any change of his permanent residence to the authority who granted him the licence, and in case of any such change whether permanent or temporary, he may, at his option, apply to the nearest licensing authority for renewal of this licence should it be necessary.

12. The authority granting the licence has the right to inquire at any time during the currency of the licence whether the weapon for which it has been granted is still in the possession of the licensee, and to require the production of the weapon for the purposes of such inquiry.

NOTE.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or to fine which may extend to Rs. 500 or with both. (Section 21 of the Indian Arms Act, 1878.)

[*Gazette of India*, 1924, Pt. I, p. 865.]

#### CODE OF CRIMINAL PROCEDURE, 1898.

##### *Baroda Cantonment to be a Police Station.*

No. 3847-I.A., dated the 28th September 1908.—With reference to section 4 (1) (s) of the Code of Criminal Procedure, 1898 (Act V of 1898), as applied to the Cantonment of Baroda, the Governor General in Council is pleased to declare that Cantonment, as defined in Foreign Department Notification<sup>1</sup> No. 4370-I.A., dated the 1st December, 1897, to be a Police Station.

[*Gazette of India*, 1908, Pt. I, p. 887.]

#### INDIAN STAMP ACT, 1899.

##### *First Assistant to the Resident to be Collector of Stamps.*

No. 12669, dated the 4th September, 1907.—The Resident is pleased to appoint under section 2, clause (9), sub-head (b) of the Indian Stamp

<sup>1</sup> *Gazette of India*, 1897, Pt. I, p. 1074.

Act, II of 1899, as applied to the Cantonment of Baroda by the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 1389-I. B., dated the 13th April, 1906, the First Assistant Resident at Baroda for the time being to be the Collector of Stamps for the said Cantonment.

[*Gazette of India*, 1907, Pt. II, p. 1374.]

*Reduction and remission of duties.*

*No. 853-I.B., dated the 6th May, 1910.*—In exercise of the powers conferred by section 9, clause (a), of the Indian Stamp Act, 1899 (II of 1899), as applied to the Cantonment of Baroda by the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 1389-I.B., dated the 13th April, 1906, the Governor General in Council is pleased to reduce, to the extent set forth in each case, the duties chargeable under the said Act, as so applied, in respect of the instruments hereinafter described under Nos. 10, 11 and 12, and to remit the duties so chargeable in respect of instruments of the other classes hereinafter described:

*A.—Forest Department.*

1. Agreement and security bond required to be executed, under the rules to regulate the training and appointments in the Subordinate Forest Service by a student and his surety previous to his entry into the Imperial Forest School, Dehra Dun, or the Burma Forest School, Tharrawaddy.

*B.—Medical Department.*

2. Security bond taken under the authority of the Government from a medical student of the Apothecary, Assistant Surgeon, or Hospital Assistant class, and his surety, or from the surety of such a student.

*C.—Post Office and Telegraph Department.*

3. Letter which a person depositing money in a Post Office Savings Bank, as security to the Government or a local authority for the due execution of an office or for the fulfilment of a contract or for any other purpose, is required to address to the Postmaster in charge of the Post Office Savings Bank agreeing to special conditions with respect to the application and withdrawal of the money deposited and the payment of interest accruing due thereon.

4. Receipt given by, or on behalf of, a depositor in a Post Office Savings Bank for a sum of money withdrawn from any such Bank.

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<sup>1</sup> See now Notification No. 265-I., dated the 24th April, 1929. Printed *supra*, page 21.

5. Receipt endorsed by the payee on a Postal Money Order.

6. Receipt given by the addressee for a deposit exceeding twenty rupees made for the payment of a reply to a telegraphic message.

*D.—Government Officers and Contractors.*

7. Instrument in the nature of a memorandum <sup>1</sup>[agreement or security bond] furnished to, or made or entered into with, the Ordnance Department, the Army Clothing Department, the Forest Department, or the Public Works or State Railway Department by a contractor for the due performance of his contracts.

8. Mortgage deed executed by an officer of Government in Civil or Military employ for securing the repayment of an advance received by him from the Government for the purpose of constructing or purchasing a dwelling house for his own use.

9. Instrument of reconveyance of mortgaged property executed by Government in favour of an officer in Civil or Military employ on the repayment of an advance received by him from the Government for the purpose of constructing or purchasing a dwelling house for his own use.

10. Agreement which has been or may be entered into in compliance with the rules prescribed by the Resolution of the Government of India in the Finance Department (Military Finance), No. 2195-Accts., dated the 25th October, 1907, regulating the deposits of regimental funds with private banks or firms or such other rules for that purpose as may hereafter be in force.—Duty reduced to the amount payable in respect of a bond for like amount or value or to Rs. 5, whichever shall be less.

*E.—Other Documents.*

11. Trust deed entered into in compliance with the rules for the time being in force in the Bombay Presidency, the Punjab, Bengal, Eastern Bengal and Assam, regulating grants-in-aid made by the Government for building purposes to schools and colleges in those provinces.—Duty reduced to the amount payable in respect of a bond for like amount or value, or to Rs. 15 whichever shall be less.

12. Instrument evidencing an agreement relating to the hypothecation of movable property where such hypothecation has been made by way of security for the repayment of money advanced or to be advanced by way of loan, or of an existing or future debt.—Duty reduced to the amount chargeable on a bill of exchange under Article No. 13 (b) of Schedule 1 of the Stamp Act, 1899, for the amount secured, if such loan or debt is repayable on demand or more than three months from the

<sup>1</sup>Substituted by Notification No. 2601-I.B., dated the 19th December, 1912. *Gazette of India*, 1912, Pt. I, p. 1686.

date of the instrument; and to half that amount, if such loan or debt is repayable not more than three months from the date of the instrument.

13. Instrument executed in the areas mentioned in the schedule hereto attached in respect of which the stamp duty with which it is chargeable under the stamp law for the time being in force in the said areas has been paid in accordance with the said law.

#### SCHEDULE.

##### *Areas.*

1. Agency territories in Baluchistan.
  2. Abu and Anadra, including the road leading from the 'Abu Sanitarium to Abu Road Railway Station and to the Bazar at Kharari.
  3. The Cantonments of Mhow, Neemuch, Nowgong (including the Civil Lines) <sup>1</sup>[and Sehore] in the Central India Agency and <sup>1</sup>[the Cantonment of Deesa.]
  4. The Indore Residency Bazars.
  5. Railway lands within the limits of the Central India and Rajputana Agencies over which the Governor General in Council exercises jurisdiction.
  6. The areas in the Hyderabad State in which the Governor General in Council exercises jurisdiction through the Resident at Hyderabad.
  7. Berar.
  8. The Civil and Military Station of Bangalore.
  9. British India.
  - <sup>1</sup>10. Railway lands in the Mysore State over which the Governor General in Council exercises jurisdiction.
  - <sup>1</sup>11. Railway lands in the Baroda State and in States in the political control of the Government of Bombay, over which jurisdiction has been ceded to the British Government and to which the provisions of the Indian Stamp Act, 1899, have been applied.
  - <sup>1</sup>12. Railway lands in Jammu and Kashmir and in States in the Punjab over which the Governor General in Council exercises jurisdiction.
- [*Gazette of India*, 1910, Pt. I, p. 361.]

##### *Further remissions.*

*No. 695-P., dated the 7th December, 1927.*—In exercise of the powers conferred by clause (a) of section 9 of the Indian Stamp Act, 1899 (II

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<sup>1</sup>Substituted by Notification No. 2601-I.B., dated the 19th December, 1912. *Gazette of India*, 1912, Pt. I, p. 1686.



of 1899), as applied to the Cantonment of Baroda, the Governor General in Council is pleased to remit the duty chargeable under the said Act on the following instruments executed by persons residing in the Baroda Residency or Camp, namely:—

- (1) Mortgage deed securing the repayment of a loan made to such person by the Trustees of the Baroda Camp Relief Fund for the purpose of rebuilding a house damaged by floods in July, 1927;
- (2) Agreement by such person, on the occasion of his applying to the said trustees for such loan, that the house will, when rebuilt, be mortgaged to the said trustees.

[*Gazette of India*, 1927, Pt. I, p. 1145.]

*Rules as to the use of impressed and adhesive stamps, and their refund and renewal, etc.*

No. 3097-I.A., dated the 9th August, 1907.—In exercise of the powers conferred by the Indian Stamp Act, 1899 (II of 1899), as applied to the Cantonment of Baroda by the notification of the Government of India in the Foreign Department<sup>1</sup> No. 1389-I.B., dated the 13th April, 1906, the Governor General in Council is pleased to make the following rules under the said Act for the said Cantonment:—

## RULES UNDER THE INDIAN STAMP ACT, 1899.

### *Chapter I.—Preliminary.*

1. *Definition.*—In these rules, the expression “the Act” shall mean the Indian Stamp Act, 1899, as applied to the Cantonment of Baroda.

2. *Kinds of stamps.*—There shall be two kinds of stamps for indicating the payment of duty on instruments chargeable with duty under the Act, namely:

- (a) impressed stamps, and
- (b) adhesive stamps.

### *Chapter II.—Of Impressed Stamps.*

3. *Hundis.*—(i) Hundis, other than hundis which may be stamped with an adhesive stamp under section 11 of the Act, shall be written as follows, namely:

- (a) A hundi payable otherwise than on demand, but not at more than one year after date or sight, and for an amount not

<sup>1</sup> See now Notification No. 265-J., dated the 24th April, 1920. Printed *supra*, page 21.

exceeding rupees thirty thousand in value, shall be written on paper on which the necessary stamp bearing the word "Hundi" has been engraved or embossed.

- (b) A hundi for an amount exceeding rupees thirty thousand in value, or payable at more than one year after date or sight, shall be written on paper, supplied for sale by the Government, to which a label has been affixed by the Superintendent of Stamps at Bombay and impressed by that officer in the manner hereinafter prescribed by rule 10.

(ii) Every sheet of such paper shall be of a size not less than  $8\frac{1}{2} \times 5\frac{1}{2}$  inches, and no plain paper shall be joined to it.

(iii) The provisions of sub-section (1) of rule 6 shall apply also in the case of hundis.

4. *Promissory notes and bills of exchange.*—A promissory note or bill of exchange shall, except as provided by section 11 of the Act, and by these rules, be written on paper on which the necessary stamp, with or without the word "Hundi", has been engraved or embossed.

5. *Other instruments.*—Every other instrument chargeable with duty shall, except as provided by section 11 of the Act, be written on paper, on which the necessary stamp, not bearing the word "Hundi", has been engraved or embossed.

6. *Provision where single sheet of paper is insufficient.*—(i) Where two or more sheets of paper on which stamps are engraved or embossed are used to make up the amount of duty chargeable in respect of any instrument, a portion of such instrument shall be written on each sheet so used.

(ii) Where a single sheet of paper, not being paper bearing an impressed hundi stamp, is found insufficient to admit of the entire instrument being written on the side of the paper which bears the stamp, so much plain paper may be subjoined thereto as may be necessary for the complete writing of such instrument:

Provided that in every such case the side of the sheet which bears the stamp shall be covered by a substantial part of the instrument before any part of the latter is written on the plain paper joined to such sheet.

7. *One anna impressed stamps.*—The duty payable on any instrument which is chargeable with a duty of one anna under the Act may be denoted by a coloured impression marked on a skeleton form of such instrument by the Superintendent of Stamps at Bombay.

8. *"The proper officer."*—The Superintendent of Stamps at Bombay is empowered to affix and impress labels, and shall be deemed to be "the proper officer" for the purposes of the Act and of these rules.

9. *Affixing and impressing of labels by proper officer permissible in certain cases.*—(i) Labels may be affixed and impressed by the proper officer in the case of any of the instruments mentioned in Appendix A, and of the counterparts thereof.

(ii) Labels may likewise be affixed and impressed by the proper officer in the case of any of the instruments mentioned in Appendix B, when written in any European language, and accompanied, if the language is not English, by a translation into English.

10. *Mode of affixing and impressing labels.*—(i) The proper officer shall, upon any such instrument, as is referred to in rule 9, being brought to him before it is executed, and upon application being made to him for that purpose, affix thereto a label or labels of such value as the applicant may desire and pay for, and impress such label or labels by means of a stamping-machine, and also stamp or write on the face of the label or labels the date of impressing the same before returning the instrument to the applicant. In the case of instruments written on parchment, the labels shall be further secured by means of metallic eyelets.

(ii) On affixing any label or labels under this rule, the proper officer shall, where the duty amounts to rupees five or upwards, write on the face of the label or labels his initials, and, where the duty amounts to rupees twenty or upwards, shall also attach his usual signature to the instrument immediately under the label or labels.

(iii) Any principal assistant of the proper officer, if empowered by the Resident at Baroda in this behalf, may discharge the functions of the proper officer under sub-section (ii) of this rule.

11. *Certain instruments to be stamped with impressed labels.*—(i) Instruments (other than instruments which, under section 11 of the Act, may be stamped with adhesive stamps) executed out of the Cantonment of Baroda and requiring to be stamped after their receipt in the Cantonment of Baroda shall be stamped with impressed labels.

(ii) Where any such instrument as aforesaid is taken to the Collector under section 18, sub-section (2), of the Act, the Collector shall send the instrument to the proper officer, remitting the amount of duty paid in respect thereof; and the proper officer shall stamp the instrument in the manner prescribed by rule 10 and return it to the Collector for delivery to the person by whom it was produced.

### *Chapter III.—Of Adhesive Stamps.*

12. *Bills of exchange.*—Bills of exchange payable otherwise than on demand and drawn in sets, when the amount of duty does not exceed one anna for each part of the set, may be stamped with adhesive stamps.

13. *Supply of deficient duty on transfer of share.*—When any instrument of transfer of shares in a Company or Association is written on a sheet of paper on which the necessary stamp is engraved or embossed and the value of the stamp so engraved or embossed is subsequently, in consequence of a rise in the market value of such shares, found to fall short of the amount of duty chargeable under Article 62 (a) of Schedule I to the Act, one or more adhesive stamps bearing the words "Share Transfer", as hereinafter prescribed, may be used to make up the amount required.

14. *Adhesive stamp or stamps denoting duty of one anna or half an anna.*—Except as otherwise provided by these rules, the adhesive stamp or stamps used to denote the duty of one anna shall bear the words "One anna" or "Half anna", as the case may be, and the adhesive stamp used to denote the duty of half an anna shall bear the words "Half anna"; and such stamp or stamps may be superscribed either for postage or for revenue or for both postage and revenue.

15. *Special adhesive stamps to be used in certain cases.*—The following instruments, when stamped with adhesive stamps, shall be stamped in the manner hereinafter prescribed, that is to say:

- (a) Bills of exchange, cheques, and promissory notes drawn or made out of the Cantonment of Baroda and chargeable with a duty of more than one anna shall be stamped with adhesive stamps bearing the words "Foreign Bill".
- (b) Transfers of shares of Public Companies and Associations shall be stamped with adhesive stamps bearing the words "Share Transfer".
- (c) Notarial acts shall be stamped with adhesive foreign bill stamps bearing the word "Notarial".
- (d) Copies of maps or plans certified to be true copies shall be stamped with adhesive court-fee stamps.

#### *Chapter IV.—Miscellaneous.*

16. *Provision for cases in which improper description of stamp is used.*—When an instrument bears a stamp of sufficient amount, but of improper description, the Collector may, on payment of the duty with which the same is chargeable, certify by endorsement on the instrument that it is duly stamped:

Provided that if application is made within three months of the execution of the instrument, and the Collector is satisfied that the improper description of stamp was used solely because of the difficulty or inconvenience of procuring one of proper description, he may remit the further payment of duty prescribed in this rule.

17. *Evidence as to circumstances of claim to refund or renewal.*—The Collector may require any person claiming a refund or renewal under Chapter V of the Act, or his duly authorized agent, to make an oral deposition on oath or affirmation, or to file an affidavit, setting forth the circumstances under which the claim has arisen, and may also, if he thinks fit, call for the evidence of witnesses in support of the statement set forth in any such deposition or affidavit as aforesaid.

*Payment of allowances in respect of spoiled or misused stamps or on the renewal of debentures.*—When an application is made for the payment, under Chapter V of the Act, of an allowance in respect of a spoiled or misused stamp, or on the renewal of a debenture, and an order is passed by the Collector sanctioning the allowance or calling for further evidence in support of the application, then if the amount of the allowance or the stamp given in lieu thereof is not taken, or if the further evidence required is not furnished, as the case may be, by the applicant within one year of the date of such order as aforesaid, the application shall be struck off and the spoiled or misused stamp (if any) sent to the Superintendent of Stamps at Bombay for destruction.

18. *Mode of cancelling original debenture in case under section 55 of Act.*—Where the Collector makes a refund under section 55 of the Act, he shall cancel the original debenture by writing on or across it the word “Cancelled” and his usual signature with the date thereof.

19. *Rewards.*—On the conviction of any offender under Chapter VII of the Act, the Collector may grant to any person who appears to him to have contributed thereto a reward within a limit to be fixed by the Resident at Baroda.

#### APPENDIX A.

##### *List of instruments referred to in rule 9 (1) of the rules.*

	No. of Article in Schedule I of the Act.
(a) Administration-bonds . . . . .	2
(b) Affidavits . . . . .	4
(c) Appointments made in execution of a power . . . . .	7
(d) Articles of Association of a Company . . . . .	10
(e) Articles of clerkship . . . . .	11
(f) Bills-of-lading . . . . .	14
(g) Charter-parties . . . . .	20
(h) Declarations of trust . . . . .	64A
(i) Instruments evidencing an agreement relating to (1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or (2) the pawn or pledge or hypothecation of movable property . . . . .	6
(j) Leases printed or lithographed in an oriental language, when the written matter filled in does not exceed one-fourth of the printed matter . . . . .	35

	No. of Article in Schedule I of the Act.
(k) Memoranda of Association of Companies . . . . .	39
(l) Mortgages of crops . . . . .	41
(m) Notes of protest by Masters of Ships . . . . .	44
(n) Policies of insurance . . . . .	47
(o) Revocations of trust . . . . .	64B
(p) Share-warrants issued by a Company in accordance with section 30 of the Indian Companies Act, 1882 (VI of 1882), other than share-warrants issued before the fourteenth day of November, 1890, with adhesive stamps bearing the words "Share Transfer" and denoting the full amount of duty payable thereon, which share-warrants shall be held to have been duly stamped . . . . .	59
(q) Warrants for goods . . . . .	65

# APPENDIX B.

*List of instruments referred to in rule 9 (2) of the rules.*

	No. of Article in Schedule I of the Act.
(a) Agreements or memoranda of agreements which, in the opinion of the proper officer, cannot conveniently be written on sheets of paper on which the stamps are engraved or embossed . . . . .	5
(b) Instruments engrossed on parchment and written in the English style, which, in the opinion of such officer, cannot conveniently be written on sheets of paper on which the stamps are engraved or embossed . . . . .	...
(c) Awards . . . . .	12
(d) Bills-of-exchange payable otherwise than on demand and drawn in the Cantonment of Baroda . . . . .	13 (b) and (c).
(e) Bonds . . . . .	15, 16, 26, 84, 56 and 57.
(f) Certificates of sale . . . . .	18
(g) Composition deeds . . . . .	22
(h) Conveyances . . . . .	23
(i) Instruments imposing a further charge on mortgaged property . . . . .	32
(j) Instruments of apprenticeship . . . . .	9
(k) Instruments of co-partnership . . . . .	46A
(l) Instruments of dissolution of partnership . . . . .	46B
(m) Instruments of exchange . . . . .	31
(n) Instruments of gift . . . . .	33
(o) Instruments of partition . . . . .	45
(p) Leases . . . . .	35
(q) Letters of license . . . . .	38
(r) Mortgage-deeds . . . . .	40
(s) Powers-of-attorney . . . . .	48
(t) Reconveyances of mortgaged property . . . . .	54
(u) Releases . . . . .	55
(v) Settlements . . . . .	58
(w) Transfers of the description mentioned in Article 62, clauses (c), (d), and (e) of Schedule I of the Act . . . . .	62 (c), (d) and (e).

## INDIAN REGISTRATION ACT, 1908.

*Appointment of Inspector General.*

No. 7561, dated the 29th May, 1928.—In exercise of the powers conferred by section 3 of the Indian Registration Act, 1908, as applied to the Cantonment of Baroda, and in supersession of Notification No. 2301, dated the 23rd February 1895, the Resident at Baroda is pleased to appoint the First Assistant to the Resident at Baroda, for the time being, to be the Inspector General of Registration for the said Cantonment.

[*Gazette of India*, 1928, Pt. II-A., p. 189.]

*Baroda Cantonment constituted a district.*

No. 7562, dated the 29th May, 1928.—In exercise of the powers conferred by section 5 of the Indian Registration Act, 1908, as applied to the Cantonment of Baroda, and in supersession of Notification No. 2299, dated the 23rd February 1895, the Resident at Baroda is pleased to form the said Cantonment a district for the purposes of the said Act.

[*Gazette of India*, 1928, Pt. II-A, p. 189.]

*Appointment of Registrar.*

No. 693-D., dated the 12th January, 1925.—In exercise of the powers conferred by section 6 of the Indian Registration Act, 1908 (XVI of 1908), as applied to the Cantonment of Baroda, the Resident at Baroda is pleased to appoint the Executive Officer, Baroda Cantonment, for the time being, to be the Registrar of the District of Baroda Cantonment.

2. Baroda Residency Notification No. 2300, dated the 23rd February, 1895, is hereby cancelled.

[*Gazette of India*, 1925, Pt. II-A, p. 41.]

## INDIAN MOTOR VEHICLES ACT, 1914.

*Baroda Cantonment Motor Vehicles Rules, 1923.*

No. 6655, dated the 8th May, 1928.—In exercise of the powers conferred by section 11 of the Indian Motor Vehicles Act, 1914 (VIII of 1914), as applied to the Cantonment of Baroda, the Resident at Baroda is pleased to make the following rules to regulate the use of motor vehicles in the said Cantonment.

Rules applicable to all Motor Vehicles.

CHAPTER I.

*Preliminary.*

1. *Short title, extent and definitions.*—(1) These rules may be called the Baroda Cantonment Motor Vehicles Rules, 1928.

(2) They shall extend to the limits of the Baroda Cantonment.

(3) In these rules—

(a) “registering authority” and “licensing authority” shall mean the Executive Officer of the Baroda Cantonment:

Provided that in the case of military motor vehicles registered at Army Head Quarters by the Quarter Master General in India, when driven by persons who have been enlisted for military service, the registering authority means the General Officer Commanding, Bombay District, and if the General Officer Commanding so directs any Officer Commanding a Mechanical Transport Unit acting under him;

(b) “the Act” shall mean the Indian Motor Vehicles Act, 1914 (VIII of 1914), as applied to the Baroda Cantonment;

(c) the expression “motor cycle” means a two, three or four wheeled cycle propelled by mechanical means, fitted with seats, but without a carriage body (which includes a side car) and weighing not more than 5 cwt.;

(d) the expression “heavy motor vehicle” means a motor vehicle exceeding two tons in weight, unladen;

(e) the expression “trailer” means any vehicle drawn by or attached to a motor vehicle;

(f) the expression “axle weight” means, in relation to an axle of a heavy motor vehicle or of a trailer, the aggregate weight transmitted to the surface of the road or other base whereon the heavy motor vehicle or the trailer moves or rests by the several wheels attached to that axle when the heavy motor vehicle or trailer is loaded;

(g) the expression “registered axle weight” means, in relation to an axle of a heavy motor vehicle, the axle weight of that axle as registered by the licensing authorities in pursuance of these rules;

(h) the expression “weight” in relation to a heavy motor vehicle or trailer when unladen, means the weight of the vehicle exclusive of the weight of any water, fuel or accumulators used for the purpose of propulsion;



- (i) the expression "width" in relation to the tyre of a wheel, means the distance measured horizontally and in a straight line across the circumference of the wheel and between the two points in the outer surface of the tyre which are farthest apart;
- (j) the expression "diameter", in relation to a wheel, means the diameter measured between the two opposite points in the outer surface of the tyre which are farthest apart;
- (k) the expression "motor bus" means a motor vehicle which is let or plies for hire having seating accommodation for eight or more passengers, including the driver and conductor and is not fitted with a taxi meter.

## CHAPTER II.

*Driving Licenses.*

2. *Driving license.*—(1) A license to drive a motor vehicle shall be granted by the registering authority, to any person who can satisfy such authority that he is a competent and careful driver and is not deaf or dumb or physically incapacitated in any way or under eighteen years of age.

Such license may be for driving motor vehicles generally or may be restricted to motor cycles, or to motor vehicles excluding heavy motor vehicles.

Provided that, on satisfying the registering authority that he is competent to drive motor vehicles other than motor cycles, any holder of a license restricted to motor cycles may have the license endorsed for motor vehicles generally or for motor vehicles other than heavy motor vehicles without payment of further fee.

(2) Such license shall be valid in the limits of the Baroda Cantonment.

(3) A driving license granted in accordance with any rule in force for the time being in any province of British India, in the Baroda State or in any other State in India which has adopted the British Indian Motor Vehicles Act, 1914 (VIII of 1914), as the State Law shall be valid up to the date of its expiry throughout the limits of the Baroda Cantonment.

3. *Fees for license and permits.*—(a) The fee for licenses granted under Rule 2 shall be—

	Rs.
For a driving license . . . . .	10
For each renewal of a driving license if renewed within fifteen days from the date of its expiry . . . . .	2
For a duplicate license . . . . .	1

(b) A driving license will not be renewed after fifteen days from the date of its expiry, but no person shall be debarred from obtaining a fresh license on payment of Rs. 10 merely by reason of his former license having expired without renewal.

(c) *Period of driving license.*—Every driving license shall remain in force from the date on which it is granted till the thirty-first day of March following but shall be renewable and the same provisions shall apply to the renewal of the license as apply to the grant thereof.

4. *Cancellation or suspension of driving license.*—A driving license granted under rule 2 may be cancelled or suspended by a written order for a period not exceeding one year by the authority by which it was granted and for reasons to be recorded by such authority:

Provided that the driver shall have a right of appeal to the District Magistrate within thirty days from the date on which the order of cancellation or suspension of his license was communicated to him.

### CHAPTER III.

#### *Registration.*

5. (1) No motor vehicles shall be used (save in accordance with Rule 12 or for the purpose of procuring registration)—

- (a) unless it has been registered by the registering authority, and
- (b) unless the registration certificate granted in respect of it is in force.

(2) A registration certificate granted in respect of a heavy motor vehicle in accordance with these rules shall expire on the 31st December in the year in which it was granted but shall be renewable.

(3) Notwithstanding anything in this rule any registration certificate granted under any enactment for the time being in force in any part of British India, in the Baroda State or in any other State in India which has adopted the British Indian Motor Vehicles Act, 1914 (VIII of 1914), as the State Law, shall be valid in the Baroda Cantonment until the date of its expiry.

Provided that a registration certificate granted in respect of a heavy motor vehicle shall expire on the 31st December of the year in which it is brought into the said Cantonment.

6. *Fee for registration.*—The fee for registration shall be four rupees for motor cycles, sixteen rupees for motor vehicles of two tons and under, and thirty-two rupees for motor vehicles exceeding two tons. A fee of sixteen rupees shall be charged for the renewal of a registration certificate in the case of a heavy motor vehicle and a fee of one

rupee shall be charged in any case for the grant of a duplicate registration certificate.

Provided that traction engines used solely for agricultural purposes shall be registered free of charge, and steam rollers, fire engines and fire escape tenders need not be registered.

7. *Distinguishing numbers*.—The registering authority shall assign a distinguishing number to the motor vehicle with the name of the registering centre in front, viz.:—

B. C. for Baroda Cantonment.

8. *Particulars as to distinguishing numbers*.—(a) Numbers assigned to motor vehicles shall be shown in white on a black ground except in the case of motor vehicles to be let or plied for hire when they shall be shown in white on a red ground.

(b) The numbers shall be exhibited in Gujarati on the front and in English on the back of the motor and on the back of any vehicle drawn by the motor vehicle, and shall be of the following dimensions:—

*English figures*.—Height of each figure  $3\frac{1}{2}$  inches, uniform thickness  $\frac{3}{4}$  inch, each figure occupying a space of  $2\frac{1}{2}$  inches with one inch between each figure, and a margin of  $\frac{1}{2}$  inch at the top, bottom and sides of the plate.

*Gujarati figures*.—Height of each figure  $3\frac{1}{2}$  inches, each figure occupying a space of  $2\frac{1}{2}$  inches with one inch between each figure, and a margin of  $\frac{1}{2}$  inch at top, bottom and sides of the plate.

Provided that in the case of motor cycles the number may not be less than two-thirds of the above dimensions.

(c) The numbers shall be painted on a plate rigidly affixed in a conspicuous place on the front and back of the motor vehicle and on the back of any trailer.

Provided that the number for the back of a motor vehicle or trailer may be painted on any conspicuous smooth surface, such as the petrol tank, that may be available for the purpose, instead of on a plate.

(d) No number shall in any way be obscured or rendered or allowed to become not easily discernible at a reasonable distance.

(e) In the case of a motor tricycle or motor bicycle the front number plate shall have duplicate faces and shall be fixed to the front of the cycle, so that from whichever side the cycle is viewed the letters or figures on one or other face of the plate may be easily distinguishable from the front of the cycle.

9. *Register*.—The registering authority shall establish and keep a register (hereinafter referred to as the "Register of Motor Vehicles")

for the registration of motor vehicles in which the name and address of the owner together with a description of the vehicle will be recorded and such register shall be kept in two parts, viz.:—

(a) A Register of Motor Cars and Cycles.

(b) A Register of Heavy Motor Vehicles.

Persons applying for copies of particulars of any car registered in the said registers shall pay eight annas for a copy with a maximum of Rs. 3 when copies of particulars of more than one car are applied for by the same person at the same time.

10. *Requirements before registration.*—Before registering a motor vehicle, the registering authority shall be satisfied—

(a) that it is provided with two independent brakes or other means of stoppage in good working order and of such efficiency that the application of either is capable of promptly stopping the motor vehicle whether going forwards or backwards;

(b) that in the case of internal combustion engines, no cutout, fitting or other apparatus or device for allowing the exhaust gases from the engine to escape into the atmosphere, without first passing through a silencer, expansion chamber or other contrivance suitable and efficient for reducing, as far as may reasonably be practicable, the noise which would otherwise be caused by the escape of the said gases, shall be used;

(c) that if such motor vehicle is propelled by steam—

(i) it is so constructed as to consume its own smoke as far as practicable;

(ii) it is fitted with an efficient “spark arrester”;

(d) that if such motor vehicle is propelled otherwise than by steam, it is so used that no smoke or visible vapour is emitted therefrom except from any temporary or accidental cause;

(e) that it is provided with efficient mud-guards.

11. *Heavy motor vehicle requirements before registration.*—(1) Before registering a heavy motor vehicle the registering authority shall also satisfy himself that the tyres of the wheels of the vehicle, if the tyres are not pneumatic, or are not made of a soft or elastic material, are of the dimensions required by the special rules for heavy motor vehicles, and may also have the weight of the heavy motor vehicle, and if he thinks necessary, the axle weight of each wheel ascertained in such manner as he may by general or special order direct.

(2) Heavy motor vehicles shall be provided with a mirror so situated that the driver can have a distant view of traffic approaching from behind on his right hand.

12. *Dealer's Numbers.*—The registering authority may assign to a manufacturer of, or dealer in, motor vehicles, on payment of an annual fee of thirty rupees a general number which, together with a distinguishing alphabetical letter of the same dimensions as the numbers, shall be affixed as laid down in rule 8 to any motor vehicle when on trial after completion, or when on trial by an intending purchaser. Such figures should be shown in black on a white ground.

13. *Dealer's Register.*—Such manufacturer or dealer shall keep a register in such form as the registering authority may direct showing the name of the driver and the hours and dates on which he was in charge of the vehicle. He shall also keep a register in which the numbers of all registered cars in his possession shall be entered up showing the date on which such cars were received into his possession.

On demand such registers shall be open to inspection by any police officer not below the rank of Sub-Inspector and by the Executive Officer of Baroda Cantonment.

14. *Transfer of ownership.*—Every transfer of ownership and every temporary transfer of possession of a motor vehicle shall forthwith be intimated to the registering authority both by the registered owner and by the transferee.

Provided that no intimation shall be required for temporary transfers for a period not exceeding one month.

The word “transferee” includes the purchaser, dealer, auctioneer, receiver, agent, repairer or any person who may be in temporary charge of the vehicle for the time being.

15. *Intimation of change of circumstances.*—If any circumstances (other than those mentioned in Rules 14 and 30) occurring in relation to any motor vehicle, affect the accuracy of any particulars entered as regards that car in the Register of Motor Vehicles, the owner of the motor vehicle shall forthwith inform the registering authority with whom it has been registered.

16. *Subsequent defects.*—Where the registering authority, at any time after a motor vehicle has been registered, considers, that it has ceased to comply with the requirements of the Act or the rules made thereunder or that it has not been maintained in such a condition as to prevent danger to the public, such registering authority may, after notice to the registered owner, direct that the registration be cancelled until such time as the defects are rectified to its satisfaction.

#### CHAPTER IV.

##### *General.*

17. *Rule of the road.*—(1) A motor vehicle shall be driven in accordance with the rules of the road which require a vehicle to keep on

the left of the road except when passing horses and other vehicles going in the same direction which should be passed on the right.

(2) The driver of a motor vehicle when turning into a side street, if to the left shall keep close to the corner, if to the right shall make a wide curve.

The following signals shall be used by drivers of motor vehicles:—

- (a) If a car is proceeding straight forward no signal will be given.
- (b) *Turn to Right.*—Right arm to be held in horizontal position at right angles to direction in which the vehicle is proceeding.
- (c) *Stop.*—Raise hand vertically palm to the front.
- (d) *Slow down.*—Right arm horizontal palm down, hand waved up and down.
- (e) *Invitation to overtake.*—Right arm held below horizontal and waved from rear to front.

(3) Sounding of a whistle by a traffic Police Constable is a warning signal for a vehicle to stop.

(4) A motor vehicle entering a main road from a branch or side road should enter the main road slowly and give way to vehicles travelling on the main road.

(5) Every driver of a motor vehicle shall obey any reasonable directions by a Police Officer.

18. *Speed limits.*—(1) No motor vehicle shall be driven at a greater speed than twenty-five miles an hour within the limits of the Baroda Cantonment.

Provided that at night, where the road is unlighted by street lamps and at all times in the neighbourhood of cross-roads, side streets, curving road (when the road in front cannot be seen), in dense traffic, in passing over narrow bridges or by a road entrance to private grounds or through or near any road-side village, or in the proximity of a toll gate, the driver shall reduce that limit to such speed that the vehicle can be brought to a standstill within a distance of 5 yards, and

Provided also that in such places as the District Magistrate may think necessary he may indicate by means of notice boards that motor drivers shall not allow the speed to exceed six miles an hour or such higher rate as may be shown on the board.

(2) The speed at which a heavy motor vehicle is driven on any public road shall not exceed eight miles an hour.

Provided that—

- (a) if the weight of the motor vehicle unladen exceeds three tons, or

- 
- (b) if the registered axle weight of any axle exceeds six tons, or
  - (c) if a trailer is attached to the heavy motor vehicle the speed shall not exceed five miles an hour.

Provided also that—

If the heavy motor vehicle has all its wheels fitted with pneumatic tyres or with tyres of a soft or elastic material, the speed at which the heavy motor vehicle may be driven on any public road shall not exceed—

- (a) twelve miles an hour where the registered axle weight of any axle does not exceed six tons;
- (b) eight miles an hour where such registered axle weight exceeds six tons.

19. *Prohibition as to use of motor vehicles on foot-path and in certain localities.*—A motor vehicle shall not be driven in any footway nor shall a motor vehicle be driven in any road or public place where such traffic may, for the time being, be prohibited by the Executive Officer, Baroda Cantonment, with the approval of the Magistrate of the District.

20. *No motor vehicle to tow a bicycle.*—The driver or person in charge of a motor vehicle shall at no time cause or permit, whilst the motor is in motion, any person riding a cycle to be towed or drawn along by such motor vehicle.

21. *No motor cycle to carry an extra passenger except in certain cases only.*—The person driving or riding a motor cycle without a side car attached shall not cause or permit any other person to be carried on the motor cycle except on a specially constructed pillion seat which shall be approved of by the registering authority.

22. *Motor vehicles to carry horns.*—Every person driving a motor vehicle shall have ready and available for immediate use a suitable deep-toned horn or, in the case of a heavy motor vehicle, a suitable gong capable of giving audible and sufficient warning of his approach or position, and shall sound the same whenever expedient to prevent danger to any of the public.

23. *Electric devices, etc.*—No electric or mechanical devices for magnifying the sound, no sirens, whistles, multiple horns or devices of a like nature shall be used in any road or street where such devices may from time to time be prohibited by the Executive Officer, Baroda Cantonment.

24. *Motor vehicles to carry lamps.*—No person shall drive a motor vehicle during the period commencing half an hour after sunset and

ending half an hour before sunrise unless such vehicle is provided with lights as follows:—

- (1) In the case of heavy motor vehicles and of motor cars and motor tricycles and in the case of motor cycles with side-cars attached—

(a) one lamp showing a white light in front shall be affixed on each side of the front portion of the vehicle. In the case of motor cycles with side-cars one lamp should be fixed on the cycle and one on the outer side of the side-car.

(b) one lamp showing a red light at the rear and showing a white light at the side shall be affixed at the back of the vehicle in such manner as to illuminate with the white light and render easily distinguishable the number of the vehicle. In the case of a motor cycle with a side-car, such lamp shall be attached to the motor cycle.

- (2) In the case of motor cycles without side-cars—

One lamp showing a white light in front so fixed as to illuminate and render clearly visible the numbers on both sides of the front number plate shall be attached to the front portion of the vehicle and one lamp showing a red light at the rear and showing a white light at the side shall be attached at the back of the vehicle in such a manner as to illuminate with the white light and render easily distinguishable the number of the vehicle.

- (3) In all cases—

- (a) the lamps shall be of suitable character and illumination;  
(b) the lamps shall be kept properly alight.

- (4) The registering authority may, by special notification in two or more local papers or in any other suitable manner, prohibit within any local limits—

(a) the use of acetylene or electric lamps or lamps of any description giving a powerful and intense light, or

(b) the use of such lamps unless they are properly hooded or screened to the satisfaction of the registering authority.

- (5) No light other than a white light shall be carried in front of a motor vehicle without special permission of the registering authority.

25. *Use of lamps.*—Every lamp carried by a motor vehicle when in use on a road or street at any time during the period mentioned in rule



24 shall be so constructed, fitted and attached as to prevent its being moved about or used as a search light.

26. *Maintenance.*—No person shall drive a motor vehicle—

- (a) unless it is at all times under full control so as to prevent undue interference with passenger or other traffic and unless it is maintained in such a condition as to prevent danger to the public;
- (b) if such motor vehicle is propelled by steam unless—
  - (i) it is so constructed as to consume its own smoke as far as practicable;
  - (ii) it is fitted with efficient “spark arresters”;
- (c) if such motor vehicle is propelled otherwise than by steam, unless it is so used that no smoke or visible vapour is emitted therefrom except from any temporary or accidental cause;
- (d) unless it is provided with efficient mud-guards.

27. *Standing in Streets, etc.*—No motor vehicle shall be allowed to stand in any street or public place unattended by a person licensed under section 6 of the Act, unless all reasonable precautions have been taken to ensure that it cannot be put in motion in the absence of the driver, or, if such motor vehicle is propelled by steam, unless its fires have been extinguished and it has ceased to contain in itself sufficient power to move. No driver shall leave such vehicle while the engine is in action.

Every motor vehicle standing in a public place shall carry at night a lighted rear lamp as prescribed in these rules, provided that if it stands in a place where it is clearly visible the use of a lighted rear lamp will not be necessary.

28. *Driving while intoxicated.*—No person shall, when intoxicated, drive a motor vehicle in a public place.

29. *Travelling backwards.*—The driver of a motor vehicle shall not cause the vehicle to travel backwards for a greater distance or time than may be requisite for purposes of safety or in order to turn round, and such movement shall not take place until such driver has ascertained that the road behind is clear of all traffic.

30. *Change of Address.*—(1) Intimation of any change of address shall be given by the owner of every motor vehicle to the registering authority and in the case of an owner leaving his own province, to the registering authority of the province which the owner proposes visiting. Such intimation shall also be given by every holder of a license, who drives a motor vehicle, to the authority empowered to grant licenses.

(2) For the purpose of this rule, the address of such owner or holder shall be deemed to be changed when such person ordinarily resides elsewhere than at the address entered in the license or certificate of registration.

31. *Drivers.*—Every owner of a motor vehicle who employs any person to drive such motor vehicle shall, at the request of the registering authority or the authority empowered to grant licenses, or any officer empowered in this behalf by any such authority, communicate to such authority the name and address of such driver, or, if he is unable to do so, shall assist such authority to the best of his ability in discovering the same.

32. *Owners and drivers.*—Every owner of a motor vehicle shall, at the request of the registering authority or the authority empowered to grant licenses or any officer empowered in this behalf by any such authority, communicate to such authority any information required by him in connection with the motor vehicle which he in the course of his duty may desire to obtain with regard to—

- (a) Accidents.
- (b) Transfer of ownership.
- (c) Material alteration in appearance.
- (d) Driving licenses.

33. *Plying or letting for hire.*—No person shall ply or let for hire a motor vehicle unless it is first registered in accordance with rule 5 of these rules and unless it complies with the special regulations made for the regulation of vehicles let or plying for hire.

34. *Motor Competition or reliability trials.*—No motor competition, reliability trial, display or exhibition, in which more than five motor vehicles take part, shall be permitted on any public road without the previous sanction of the Resident.

35. *Responsibility for conforming to rules.*—No person shall drive or have charge of or cause or permit to be used any motor vehicle which does not in all respects conform to these rules, or which is driven or used so as to contravene any of these rules.

36. *Report of Accidents.*—The driver of a motor vehicle shall immediately report to the nearest police station any accident caused by his vehicle involving injury to a human being. If in any accident more motor vehicles than one are concerned, the driver of each such vehicle shall be responsible to make the report required by this rule.

37. *Notice boards and danger signals.*—(1) All notice boards posted on the sides of the roads under these rules or under section 12 of the

Act shall be painted red with the notices inscribed in white letters sufficiently large to be easily legible.

(2) (a) Danger signals shall display clearly in white on a red ground in the shape of an equilateral triangle with sides 20 inches long conventional signs for Dangerous Crossings, Turnings, etc.

(b) In every case a plate not less than 17 inches long by 5 inches in depth, bearing in white letters on a red ground the word "Caution" shall be affixed at a distance of 3 inches below plate bearing the conventional sign.

(c) Such signals shall be posted as nearly as may be at a distance of 75 yards from the obstructions which they are meant to point out. In cases where this is impracticable there shall be affixed immediately below the caution plate a plate showing in white letters 3 inches high on a red ground the distance in yards between the signal and the obstruction.

#### CHAPTER V.

##### *Special rules for heavy motor vehicles.*

38. *Registration of weights.*—On every application to a registering authority for the registration of a heavy motor vehicle the applicant shall declare—

- (a) the weight of the heavy motor vehicle unladen,
- (b) the axle weight of each axle, and
- (c) the diameter of each wheel.

39. *Registered weight to be printed on the vehicles.*—Upon receiving from the registering authority a copy of the entries made in the register relating to a heavy motor vehicle or trailer, the owner of the motor vehicle shall cause—

(a) the highest rate of speed at which in conformity with the rules the heavy motor vehicle may be driven without a trailer,

(b) the registered weight of the heavy motor vehicle or trailer unladen, and

(c) the registered axle weight of each axle, to be printed or otherwise plainly marked in letters not less than one inch in height, and in such a manner as to be legible at a reasonable distance, in the case of (b) and (c) upon some conspicuous part of the right or off side of every heavy motor vehicle or trailer and in the case of (a) on the left or near side.

This rule shall not apply to trailers not exceeding one ton in weight unladen.

40 *Axle weight.*—(i) The axle weight of an axle of a heavy motor vehicle shall not exceed the registered axle weight.

(ii) The registered maximum axle weight of any axle of a heavy motor vehicle shall not exceed seven tons, and the axle weight of a trailer shall not exceed three tons.

(iii) The sum of the registered axle weights of all the axles of a heavy motor vehicle shall not exceed ten tons.

41. *Tyres.*—The tyres of each wheel of a heavy motor vehicle or trailer, unless the tyres are pneumatic or made of a soft or elastic material, shall be smooth and shall, where the tyre touches the surface of the road or other base whereon the heavy motor vehicle moves or rests, be flat, provided that the edges of the tyre may be bevelled or rounded to the extent in the case of each edge of not more than half an inch.

Provided also that—

If the tyre is constructed of separate plates, the plates may be separated by parallel spaces which shall be disposed throughout the outer surface of the tyre, so that nowhere shall the aggregate extent of the space or spaces in the course of a straight line drawn horizontally across the circumference of the wheel exceed one-eighth part of the width of the tyre.

42. *Width of tyre.*—The width of the tyre of each wheel of a heavy motor vehicle or trailer, unless the tyres are pneumatic or made of a soft or elastic material, shall in every case be not less than 5 inches, or in the case of a trailer, 3 inches.

When the axle weight of an axle of a heavy motor vehicle is—

3 tons, the width of the tyre shall not be less than 8 inches.

4 tons, the width of the tyre shall not be less than 9 inches.

5 tons, the width of the tyre shall not be less than 10 inches.

6 tons, the width of the tyre shall not be less than 11 inches.

7 tons, the width of the tyre shall not be less than 12 inches.

43. *Size of wheels.*—The diameter of a wheel of a heavy motor vehicle or trailer, if the wheel is fitted with a tyre which is not pneumatic or is not made of a soft or elastic material, shall be not less than two feet.

44. *Width and length of vehicle.*—A heavy motor vehicle, if its weight unladen is three tons, and any trailer drawn by any such heavy motor vehicle may, when measured between its extreme projecting points, be of a width not exceeding seven feet six inches, and no heavy motor vehicle or trailer attached to it shall be used on any street or road if such motor vehicle exceeds 36 feet in length.

45. *Springs*.—Every heavy motor vehicle and trailer shall be constructed with suitable and sufficient springs between each axle and the frame of the heavy motor vehicle.

46. *Trailers*.—No heavy motor vehicle used on any street or road shall have attached to it more than one trailer. A trailer drawn by a motor vehicle shall have a brake approved by the licensing authority and the trailer shall carry upon it a person competent to apply the brake efficiently, provided that where the brakes upon the motor vehicle by which the trailer is drawn are so constructed and arranged that neither of them can be used without bringing into action simultaneously the brake attached to the trailer, or if the brake of the trailer can be applied from the motor vehicle independently of the brakes of the latter, the above conditions need not be complied with.

47. *Vehicles for the conveyance of passengers*.—A heavy motor vehicle which is used as a public conveyance shall not draw a trailer.

48. *Use of motor vehicles on bridges*.—(i) Where the registering authority affixes or sets up in suitable and conspicuous positions, on each approach to a bridge, forming part of a highway, notices which, as regards all their contents or subject-matter, shall be clearly and distinctly legible and visible by persons approaching the bridge, and which state that the bridge is insufficient to carry a heavy motor vehicle, the registered axle weight of which exceeds that specified in the said notice board, the owner of any such heavy motor vehicle shall not cause or suffer the motor vehicle to be driven, and the person driving or in charge of the motor vehicle shall not drive the motor vehicle upon the bridge.

(ii) The owner of the motor vehicle shall not cause or suffer the motor vehicle to be driven, nor shall the person driving or in charge of the motor vehicle drive the motor vehicle upon a bridge forming part of a highway at any time when another motor vehicle or a locomotive is on the bridge, the combined weights of which would exceed the carrying capacity of the bridge.

49. *Attendance on heavy motor vehicles*.—When a heavy motor vehicle is used on any road or street, two persons shall be employed in driving or attending to such vehicle.

50. *Attendance on traction engines*.—Every traction engine must have three persons in attendance, two persons to attend to the traction engine and one person to be on watch and ready to help any person with horses and carriages meeting or overtaking the traction engine and to attend to the trailers.

51. *Prohibition of the use of heavy motor vehicles on certain roads*.—No heavy motor vehicle shall be driven in any street or road, wherein

such traffic may for the time being be prohibited by the District Magistrate.

## CHAPTER VI.

### *Special Rules for Motor Vehicles let on hire.*

52. The following rules shall apply to motor vehicles let on hire.

53. Such of the rules in Chapters I to V of the rules as are not inconsistent with the provisions of the following rules, shall also apply to motor vehicles let on hire.

54. No motor vehicle shall be let on hire within the limits of the Baroda Cantonment without a permit granted by the registering authority in Form G. The registering authority shall enter on such permit the maximum number of passengers and quantity of luggage which may be carried at any one time in such vehicle. A fee of Rs. 5 shall be charged for the permit.

55. Subject to rule 56, the permit shall remain in force from the date on which it is granted until the 31st December following and shall not be transferred to any person without sanction duly endorsed thereon by the registering authority.

56. A motor vehicle shall be liable to examination at such times as the registering authority may prescribe, and the permit may be suspended or cancelled by him if the vehicle does not comply with the requirements of these rules or with those in Chapters I to V.

57. The owner of a motor vehicle shall maintain regularly a register in such form as the registering authority may direct showing the name of the driver and the hours and dates on which the driver was in charge of the motor vehicle.

58. A schedule of rates for the fare or hire shall be fixed by the owner and notified by him to the registering authority at the time of taking out an owner's permit. It shall be competent for the owner to fix charges for detention and for the carriage of luggage and to reserve to himself the right to fix a lump sum contract for any journey not covered by the schedule of rates. No change in these rates shall be made without one month's notice to the registering authority and a schedule of these rates in English and Gujarati shall be carried on every motor vehicle for hire and be shown on demand.

59. Every motor vehicle intended to be licensed for hire within the limits of the Baroda Cantonment must be taken to the office of the registering authority for inspection. The owner or person in charge of such motor vehicle shall at the same time produce the certificate of registration of the motor vehicle under Chapter III of these rules, and also a certificate from the maker or maker's agent or an approved local

motor firm that such motor vehicle is in every way fit for use as a public conveyance and that its machinery is safe and is in good working order and condition.

60. The brakes shall, as far as possible, be so affixed as to be capable of easy adjustment, and at least one brake must be so made as to be applied by the foot of the driver. At least one should act directly upon the road wheels without any connection with the propelling gears. The brakes will at any time be subject to inspection.

61. All brakes and steering connections secured with bolts must have such bolts secured with nuts and locked or pinned. These parts will at any time be subject to inspection.

62. The machinery should be so constructed that no undue noise or vibration is caused.

63. All parts connected by bolts or studs and nuts subject to severe vibration must be fastened by lock-nuts or by nuts and approved spring or lock-nut washers to prevent their working loose and making a rattling noise, and any motor vehicles with lamp brackets, mud-guard brackets and other carriage fittings so loose as likely to cause unnecessary noise will be regarded as unfit for use as a public conveyance.

64. Carburettors must not be placed in close proximity to magnetos or to connections of wires carrying electric current, unless they are suitably encased or screened.

65. Effective means must be adopted for preventing the heat of the motor or of the exhaust pipe connections from injuriously affecting other parts of the motor vehicle or the comfort of the passengers. All wires carrying electric current must be properly insulated and protected from injury, and so placed that they cannot be the cause of danger.

66. Tanks for petrol or other liquid fuel must be made of suitable material properly constructed and of sufficient strength. They should be so placed that any overflow shall not accumulate on wood work, or where it can be readily ignited. The filling nozzle or inlet for the petrol or other liquid fuel should, where possible, be brought to the outside of the body.

67. When a guard or tray is fixed underneath, it must be so constructed that any overflow of petrol from the carburettor shall not be retained in the tray.

68. The machinery must be so constructed or placed that oil from the bearings shall not be allowed to drop on to the roadway. When trays are fixed to prevent this, they must have suitable webs for retaining the oil when ascending or descending hills or be otherwise suitably constructed with that object; the oil must be cleaned out frequently and not allowed to accumulate from day to day.

69. The lubrication of the engine and the carburation of the working mixture must be so controlled that smoke is not ejected with the exhaust, or from any other part.

70. The outlet from the silencer should not be so placed as to eject the exhaust directly on to the roadway, or so placed, or so directed as to alarm horses immediately behind the motor vehicle.

71. Each car must be capable of being readily steered and able to turn on each lock and proceed in a contrary direction within a reasonable space.

72. Every motor vehicle must be provided with an approved means of communication between the passenger and the driver. This should be placed, so as to be readily accessible to the passenger to obviate the danger of a driver having to turn his head whilst directions are being given.

Short tubes are not suitable.

N.B.—This rule applies to closed vehicles only.

73. Where acetylene or other gas is used to light the carriage, the cylinders or vessels which contained the gas or in which it is generated must be fixed outside in such a position as to be removed as far as possible from the danger of accidental ignition.

74. The floor must be covered with mats of rubber, coir or of some other suitable material.

75. No printed, written or other matter other than the sanctioned rates for hire or these rules shall appear on the inside or outside of the motor vehicle or be carried by way of advertisement.

76. No celluloid or xylonite fittings shall be placed inside or outside the motor vehicle, but this rule does not apply to the inside of the accumulators, or to the windows and screens.

77. The cushions of seats, where such are provided, must be covered with suitable material, and must be stuffed with suitable material.

78. The doors, windows, seats, roof, springs, cushions, wheels, linings, panels, and all furniture and appurtenances of the motor vehicle must be in proper order and repair, the paint and varnish in good condition, and the inside perfectly clean.

79. No driver of a motor vehicle shall—

- (a) make use of insulting or abusive language or gesture,
- (b) refuse to give way (when he reasonably and conveniently may and should do so) to any other vehicle,
- (c) wilfully obstruct or hinder the driver of any other motor vehicle in taking up or setting down any person into or from such other vehicle,



- (d) wrongfully prevent, or attempt to prevent, the driver of any other motor vehicle from being hired,
- (e) exact or demand more than the proper fare to which he is legally entitled,
- (f) terminate the hiring before he has been discharged by the hirer,
- (g) carry in the motor vehicle driven by him more than the number of passengers which the vehicle is licensed to carry.

80. The registering authority may in his discretion suspend or cancel any driver's license or owner's permit where the holder thereof has committed any breach of these rules :

Provided that the driver shall have a right of appeal to the District Magistrate within thirty days from the date on which the order of cancellation or suspension of his license was communicated to him.

81. *Spare tyre and tube.*—Motor vehicles licensed under this Chapter shall carry with them at least one spare tyre and tube in working order, which can, if necessary, be quickly fitted to any wheel.

## CHAPTER VII.

### *Motor-bus Rules.*

82. The following rules shall apply to motor buses.

83. Such of the rules in Chapters I to VI of these rules as are not inconsistent with the provisions of the following rules shall also apply to motor buses.

84. Motor buses shall possess special permits in Form H appended to these rules granted by the registering authority. A fee of Rs. 10 shall be charged for the permit. The permit prescribed by rule 54 of these rules shall not be necessary in the case of motor buses.

85. Every motor bus shall, besides a driver, carry a conductor whose duty shall, in addition to any specially mentioned, be to attend on the passengers and to see to the fulfilment of the Motor Vehicles Rules in all cases where the driver is not held responsible according to law.

86. Every conductor shall, immediately after the completion of a trip, carefully search for any property accidentally left in the bus and shall take the same within 24 hours, if not sooner claimed by the owner, to the nearest police station.

87. No person under the age of eighteen years shall act as a conductor of a motor bus in any public place.

88. No person shall act as a conductor of a bus unless he has from the proprietor of the bus a written authority which he should always

retain while on duty. He shall exhibit such writing on demand to any police officer of the rank of Sub-Inspector or above or to any magistrate of or above the second class or to the Executive Officer, Baroda Cantonment.

89. Every driver or conductor of a motor bus shall be in clean dress while on duty.

90. The driver of a bus shall wear in a conspicuous place on his left breast a numbered badge supplied to him free by the registering authority on an application made by the driver accompanied by the order of the proprietor appointing him as driver.

The driver shall surrender such badge on his ceasing to drive that particular bus, or on his license being suspended or cancelled or becoming time expired or on the 'H' permit being cancelled. If the badge is lost or not returned, the driver shall be liable to pay a charge of one rupee to the registering authority.

## CHAPTER VIII.

### *Forms.*

91. *Declaration.*—Every application in Forms A, C and F shall contain a declaration at the foot of the application.

92. *Application for license.*—Every application for a license under section 6 of the Act shall contain the particulars specified in Form A, and in the case of a professional driver or a driver of a motor vehicle let or plying for hire, shall be accompanied by two photographs of the applicant for the use of the registering authority.

93. *License.*—Every license granted under section 6 of the Act shall be in Form B, and in the case of a license granted to a professional driver or to a driver of a motor vehicle let or plying for hire, shall in addition bear a photograph of such driver.

94. *Application for registration.*—Every application for registration under section 10 of the Act shall contain the particulars specified in Form C.

95. *Registration certificate.*—Every registration certificate granted under section 10 of the Act shall be in Form D.

96. *Transfer certificate.*—Every transfer certificate granted under rule 14 shall be in Form E.

97. An application for a permit under rule 54 shall be made in Form F and the permit shall be granted in Form G.

98. An application for a permit under rule 84 shall be made in Form F and the permit shall be granted in Form H.

### Registering Authority.

<i>Date of expiry of license</i>		<i>in each year.</i>
Date of renewal.	Date of expiry.	Signature of Registering Authority.
	192	
	192	
	192	

NOTE.—This license will be recognised as valid in other Provinces of British India, in the Baroda State and in any State in India which has adopted the British Indian Motor Vehicles Act, 1914 (VIII of 1914), as the State Law.

### FORM C.

#### APPLICATION FOR REGISTRATION.

(See rules 5 and 94.)

1. Full name of owner.
2. Postal address of usual residence of owner.
3. Description of motor vehicle.
4. Maker's name or name by which the motor vehicle is ordinarily known.
5. Model of motor vehicle.
6. Year of manufacture.
7. Colour of body.
8. Number of seats.
9. Number of chassis.
10. Number on engine.
11. Maximum speed.
12. Number of cylinders.
13. Horse-power.
14. Whether intended for—
  - (a) private use,
  - (b) use for trade purposes,
  - (c) use as a public conveyance.

Additional for heavy motor vehicles.

15. Weight unladen—
  - Vehicle.
  - Trailer.

16. Axle weight—

Front.

Rear.

17. Diameter of wheels.

18. Width and material of tyres.

Signature of Applicant.

Dated 19 .

I hereby declare that the above particulars in relation to the motor vehicle or trailer to which my application relates are true to the best of my knowledge and belief.

Signature.

Dated

### FORM D.

#### REGISTRATION CERTIFICATE.

No. of 19 .

(See rules 5 and 95.)

Fees Rs.

4 for each Motor Cycle.

16 for each Motor vehicle weighing two tons or under.

32 for each Motor vehicle weighing more than two tons. (For renewal of registration certificate of such vehicle Rs. 16.)

Certified that the Motor vehicle described hereunder has been examined and found fit for use. It has been registered in the name of Mr. residing at and has been assigned Number

This number must always remain attached to the vehicle and must not be transferred to another vehicle. The person disposing of the vehicle as well as the person who takes it over is bound by rule 14 to report the fact to the undersigned.

#### *Description of Vehicle.*

1. Kind of motor vehicle.
2. Maker's name or name by which the motor vehicle is ordinarily known.
3. Model of motor vehicle.

4. Year of manufacture.
5. Colour of body.
6. Number of seats.
7. Number of chassis.
8. Number on engine.
9. Maximum speed.
10. Number of cylinders.
11. Horse-power.
12. Whether intended for—
  - (a) private use,
  - (b) use for trade purposes,
  - (c) use as a public conveyance.

Additional for heavy motor vehicles.

13. Weight unladen—
  - Vehicle.
  - Trailer.
14. Axle weight—
  - Front.
  - Rear.
15. Diameter of wheels.
16. Width and material of tyres.

Registering Authority.

Dated 19 .

[NOTE 1.—This certificate shall be valid until it is cancelled under rule 16, and will be recognised as valid in other Provinces of British India, in the Baroda State and in any other State in India which has adopted the British Indian Motor Vehicles Act, 1914 (VIII of 1914), as the State Law.]

NOTE 2.—In the case of a heavy motor vehicle this certificate shall expire on the 31st December in the year in which it was granted but shall be renewable on payment of a fee of Rs. 16.

*Indian Motor Vehicles Act, Section 4 and Rules 5, 8, 14, 15 and 16.*

(To be printed on back of certificate.)

*Section 4.*—The person in charge of a motor vehicle shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary,—

- (a) when required to do so by any police officer for the purpose of regulating traffic or of ascertaining his name and address with a view to prosecuting such person under this Act or for any purpose connected with the enforcement of the provisions of this Act or the rules thereunder; or

- (b) when required to do so by any person having charge of any animal if such person apprehends that the animal is, or will be, alarmed by the motor vehicle; or
- (c) when he knows or has reason to believe that an accident has occurred to any person or to any animal or vehicle in charge of a person owing to the presence of the motor vehicle and he shall also, if so required, give his name and address and the name and address of the owner of such motor vehicle.

**Rule 5.**—(1) No motor vehicle shall be used (save in accordance with rule 12 or for the purpose of procuring registration)—

- (a) unless it has been registered by the registering authority, and
- (b) unless the registration certificate granted in respect of it is in force.

(2) A registration certificate granted in respect of a heavy motor vehicle in accordance with these rules shall expire on the 31st December in the year in which it was granted, but shall be renewable.

(3) Notwithstanding anything in this rule any registration certificate granted under any enactment for the time being in force in any part of British India, in the Baroda State or in any other State in India which has adopted the British Indian Motor Vehicles Act, 1914 (VIII of 1914), as the State Law, shall be valid in the Baroda Cantonment until the date of its expiry: provided that a registration certificate granted in respect of a heavy motor vehicle shall expire on the 31st December of the year in which it is brought into the said Cantonment.

**Rule 8.**—(a) Numbers assigned to motor vehicles shall be shown in white on a black ground, except in the case of motor vehicles to be let or plied for hire when they shall be shown in white on a red ground.

(b) The number shall be exhibited in Gujarati on the front and in English on the back of the motor and on the back of any vehicle drawn by the motor vehicle and shall be of the following dimensions:—

**English figures.**—Height of each figure  $3\frac{1}{2}$  inches, uniform thickness  $\frac{3}{4}$  inch, each figure occupying a space of  $2\frac{1}{2}$  inches with one inch between each figure and a margin of half inch at the top, bottom and sides of the plate.

**Gujarati figures.**—Height of each figure  $3\frac{1}{2}$  inches, each figure occupying a space of  $2\frac{1}{2}$  inches with one inch between each figure and a margin of half inch at top, bottom and sides of the plate.

Provided that in the case of motor cycles the number may not be less than two-thirds of the above dimensions.

(c) The numbers shall be painted on a plate rigidly affixed in a conspicuous place on the front and back of the motor vehicle and on the back of any trailer:

Provided that the number for the back of a motor vehicle or trailer may be painted on any conspicuous smooth surface, such as the petrol tank that may be available for the purpose, instead of on a plate.

(d) No number shall in any way be obscured, or rendered or allowed to become, not easily discernible at a reasonable distance.

(e) In the case of a motor tricycle or motor bicycle the front number plate shall have duplicate faces and shall be fixed to the front of the cycle so that from whichever side the cycle is viewed the letters or figures on one or other face of the plate may be easily distinguishable from the front of the cycle.

*Rule 14.*—Every transfer of ownership and every temporary transfer of possession of a motor vehicle shall forthwith be intimated to the registering authority both by the registered owner and by the transferee.

Provided that no intimation shall be required for temporary transfers for a period not exceeding one month.

The word "transferee" includes the purchaser, dealer, auctioneer, receiver, agent, repairer or any person who may be in temporary charge of the vehicle for the time being.

*Rule 15.*—If any circumstances (other than those mentioned in rules 14 and 30) occurring in relation to any motor vehicle, affect the accuracy or any particulars entered as regards that car in the Register of Motor Vehicles, the owner of the motor vehicle shall forthwith inform the registering authority with whom it has been registered.

**Rule 16.**—Where the registering authority, at any time after a motor vehicle has been registered, considers that it has ceased to comply with the requirements of the Act or the rules made thereunder or that it has not been maintained in such a condition as to prevent danger to the public, such registering authority may, after notice to the registered owner, direct that the registration be cancelled until such time as the defects are rectified to its satisfaction.

**FORM E.**

## TRANSFER CERTIFICATE.

(See rule 96.)

Certified that Motor Vehicle/Cycle No.                      standing in the name of  
Mr.                      has been transferred to the name of Mr.  
   residing at

### Registering Authority.



## FORM F.

APPLICATION FOR PERMIT TO  $\frac{\text{LET ON}}{\text{PLY FOR}}$  HIRE.

(See rules 54 and 97.)

1. Full name of owner.
  2. Postal address of usual residence of owner.
  3. Description of motor vehicle.
  4. Maker's name or name by which the motor vehicle is ordinarily known.
  5. Model of motor vehicle.
  6. Year of manufacture.
  7. Colour of body.
  8. Number of seats.
  9. Number of chassis.
  10. Number on engine.
  11. Maximum speed.
  12. Number of cylinders.
  13. Horse-power.
  14. Registration number of vehicle.
- Additional for heavy motor vehicles.
15. Weight unladen—  
Vehicle.  
Trailer.
  16. Axle weight—  
Front.  
Rear.
  17. Diameter of wheels.
  18. Width and material of tyres.

Signature of Applicant.

Dated

19

I hereby declare that the above particulars in relation to my application for a permit to let or ply for hire the vehicle referred to above are true to the best of my knowledge and belief.

Signature..

Dated

FORM G.

PERMIT TO LET ON HIRE.  
PLY FOR

(See rules 54 and 97.)

Fee Rs. 5 only.

Permit is hereby granted to \_\_\_\_\_ to let or  
ply for hire in public places motor vehicle No. \_\_\_\_\_ within the Baroda  
Cantonment.

Registering Authority.

Dated \_\_\_\_\_ 19 \_\_\_\_ .

1. Maximum number of passengers which may be carried at any one time in the vehicle.
2. Maximum quantity of luggage which may be carried at any one time in the vehicle.

*Conditions.*

(1) The permit shall be carried by the driver of the car whenever the vehicle is in motion and the number of persons and weight of luggage specified in the permit shall be painted on a conspicuous part of the vehicle.

(2) No person shall sit or stand and no luggage shall be placed on the foot-boards or mud-guards of the vehicle.

(3) The owner of the vehicle shall arrange for its examination once in every six months by a person approved by the registering authority as to its structural strength, condition and running order generally, and his certificate as to its fitness for use on the road should be submitted by the owner to the registering authority. The vehicle shall not be let or ply for hire for a period exceeding six months without its being examined and certified in the manner specified above.

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FORM H.

PERMIT FOR LETTING OR PLYING FOR HIRE OF MOTOR BUS.

(See rules 84 and 98.)

Fee Rs. 10.

I, the registering authority, hereby permit *within Baroda Cantonment* the letting or plying for hire of the motor bus described below, belonging to \_\_\_\_\_ residing at \_\_\_\_\_ whose head office is at \_\_\_\_\_ subject to the following conditions:—

(Here enter description of motor vehicle.)

*Conditions.*

(1) This permit is granted subject to the provisions of the Indian Motor-Vehicles Act, 1914, as applied to the Baroda Cantonment and the rules made under section 11 thereof. It shall be in force till 31st December.

(2) Not more than            passengers, in addition to the driver and conductor, shall be carried in the vehicle with luggage not exceeding in all    lbs., but in place of each passenger short of the prescribed maximum goods or luggage to the weight of    lbs. may be carried. Not more than one person shall be seated with the driver in front of the bus.

NOTE.—An infant in arms, who is carried free, will not be counted as a passenger for the purpose of this condition. A child under the age of twelve years will be considered as a half passenger for the purpose of this condition, provided half fare only is charged for such a child.

(3) No driver or conductor of a motor bus, when the vehicle has been duly licensed and is either waiting or plying for hire, shall, without reasonable excuse, refuse to accept a fare from any person tendering it provided that the conductor shall stop issue of tickets when the maximum number of passengers the vehicle is allowed to carry has been reached.

(4) The permit shall be carried by the driver of the car whenever the vehicle is in motion and the number of persons and weight of luggage specified in condition (2) shall be painted on a conspicuous part of the vehicle.

(5) The owner of the vehicle shall arrange for its examination once in every six months by a person approved by the registering authority as to its structural strength, condition and running order generally, and his certificate as to its fitness for use on the road should be submitted by the owner to the registering authority. The vehicle shall not be let or ply for hire for a period exceeding six months without its being examined and certified in the manner specified above.

(6) The vehicle shall at all times be open to inspection by (i) any Magistrate of or above the second class, or (ii) any police officer not below the rank of Sub-Inspector of Police. If any such officer considers the vehicle to be unfit for use on the road he shall record his reasons in writing and shall communicate them to the owner as well as to the registering authority. The vehicle shall not then be let or ply for hire without the special permission of the registering authority, until a certificate as to its fitness has been produced from a person approved by that authority.

(7) This permit may be cancelled by the registering authority for any breach of its conditions or for any infringement of the provisions

of any Act, or of any rule having the force of law. When any permit has been cancelled the holder thereof shall forthwith return it to the officer who issued it.

(8) The vehicle shall be driven only by a person certified by the registering authority to be competent to drive the particular vehicle.

(9) The weight of the vehicle, when fully loaded, shall in no case exceed six tons.

(10) The speed at which the vehicle may be driven shall be 15 miles an hour.

(11) In the case of transfer of ownership or of possession, whether temporary or otherwise, of a motor vehicle, the registered owner shall, along with his report under rule 14, forward the permit for being endorsed by the registering authority to the transferee.

(12) A motor bus shall travel on a fixed route only.

(13) No motor bus shall start from the stand except in its due order.

(14) All motor buses shall charge a rate not exceeding annas for each passenger from

(15) No driver of a motor bus shall alter the relative position of his bus in the rank on the stand. If a driver wishes to take his bus away from the rank out of its order for any purpose he shall obtain the permission of the Police Officer in charge. On his return he will occupy the last place in the rank.

(16) No person shall sit or stand and no luggage shall be placed on the foot-boards or mud-guards of a motor bus; luggage will be placed on the seats and will be charged for according to the number of seats occupied, at passenger rates.

(17) Motor buses shall come to the stand only between the hours of 5 a.m. and 6 p.m.

(18) Motor buses shall halt at appointed places to pick up and set down passengers and at appointed places only.

(19) No driver of a bus shall carry any Police Officer free of charge.

(20) This permit shall not be transferred to any other person without sanction duly endorsed thereon by the registering authority.

(21) This permit should not be returned to the issuing officer except on his requisition.

## POISONS ACT, 1919.

*Rules for the possession for sale and the sale of poisons.*

<sup>1</sup>No. 5830, dated the 11th April, 1923.—In exercise of the powers conferred by section 2 of the Poisons Act, 1919 (XII of 1919), as applied to the Cantonment of Baroda, and in supersession of the notifications specified below,<sup>2</sup> the Resident at Baroda is pleased to make the following rules for regulating the possession for sale and the sale of poisons within the limits of the said Cantonment, namely:

1. *Definition.*—In these rules “the Act” means the Poisons Act, 1919.

2. *Poisons.*—The following substances shall be deemed to be poisons for the purposes of these rules:—

White arsenic, sulphides of arsenic, red sulphide (real-gar), yellow sulphide (orpiment), impure sulphides of arsenic (black arsenic, impure orpiments, white sulphuret, pink sulphide, brown sulphide), green arsenic, arsenite of copper (Scheele’s green), acetoarsenite of copper (Schweinfurth’s green), aconite, ~~nux~~ vomica, perchloride of mercury (corrosive sublimate), cyanide of potash, stramonium (Dhatura), strychnine and St. Ignatius bean.

3. *Prohibition of sale or possession of poison without a license.*—No person, unless exempted under the provisions of the Act, shall sell or possess for sale any poison specified in Rule 2, except under a license granted in that behalf by the Executive Officer, Baroda Cantonment.

4. *Licenses by whom to be granted or withdrawn.*—The grant or withdrawal of a license to any applicant shall be at the discretion of the Executive Officer, Baroda Cantonment, whose decision thereon shall be final.

5. *Duration of licenses; Applications.*—Subject to the provision of Rules 6 and 7, a license granted under Rule 3 shall remain in force for one year from the 1st January or from the date of issue, if later than the 1st January, to the 31st December following. Every applicant for the grant or renewal of a license shall make a written application to the Executive Officer, Baroda Cantonment, and such application shall bear a Court-fee stamp of Re. 1.

<sup>1</sup> The words “Executive Officer, Baroda Cantonment” were substituted for the words “Cantonment Magistrate, Baroda”, wherever they occurred in this Notification, by Residency Notification No. 693-E., dated the 12th January, 1925. *Gazette of India*, 1925, Pt. II-A, p. 41.

<sup>2</sup> Notification Nos. 6251 and 6252, dated 21st April, 1908 and Nos. 2168 and 2169, dated 26th February, 1912.

6. *Termination of licenses.*—A license shall terminate on the death of the license-holder, or, if granted to a firm or company, on the winding up or transfer of the business of such firm or company.

7. *Revocation or cancellation of licenses.*—The Executive Officer, Baroda Cantonment, may, for any sufficient cause, revoke or cancel any license granted under Rule 3.

8. *Sale of poisons.*—Every sale of poison shall, so far as possible, be made by the license-holder in person or, where the license-holder is a firm or a company, through, or under the supervision of, an accredited representative of such firm or company.

9. *Persons to whom poisons may be sold.*—A license-holder shall not sell any poison to any person unless the latter is personally known to him, or identified to his satisfaction. He shall not sell any poison to any person who appears to him to be under the age of 18 or to any person who does not appear to him to be in full possession of his faculties, or to any wandering mendicant.

10. *Register of sales of poisons.*—(1) Every license-holder shall maintain a register in which he shall enter all sales of poison, other than those used by a chemist, druggist or compounder dispensing or compounding in compliance with the prescription of a medical or veterinary practitioner. The following particulars shall be entered in such register in respect of each such sale, namely:—

- (a) Serial number.
- (b) Name of poison.
- (c) Quantity.
- (d) Date of sale.
- (e) Name and address of purchaser.
- (f) Purposes for which the poison was stated by the purchaser to be required.
- (g) Signature of purchaser (or thumb impression if illiterate) or in case of purchase by post, date of letter or written order and reference to the original in the file in which it is preserved.
- (h) Signature of vendor.

(2) In a separate portion of the register shall be entered in separate columns for each poison, the quantity of each sold daily, and these entries shall be filled up from day to day.

(3) The signature under item (h) of the register shall be that of the license-holder himself or, when the license-holder is a firm or company, that of an accredited representative of such firm or company.

and shall be entered at the time of sale or despatch to the purchaser. Such signature shall be held to imply that the writer has satisfied himself that the requirements of Rule 9 have been fulfilled.

(4) All letters or written orders referred to in head (g) of the register shall be preserved in original by the license-holder for a period of not less than two years from the date of the sale.

11. *Stock Register.*—A license-holder shall maintain in respect of each poison specified in Rule 2 a stock register in the form of Appendix A to these rules. The stock register shall be balanced daily.

12. *Prescription Register.*—Every dispensing chemist or druggist shall maintain a prescription register in the form of Appendix B to these rules.

13. *Power to inspect poisons and registers.*—The Executive Officer, Baroda Cantonment, or any Police Officer of or above the rank of Sub-Inspector or any Medical Officer of or above the rank of Sub-Assistant Surgeon in the Cantonment of Baroda may at any time visit and inspect the premises of a license-holder, a dispensing chemist or a druggist where poison is kept for sale and may inspect all poisons found therein and the registers maintained under Rules 10, 11 and 12.

14. *Custody of poisons kept for sale and labelling of receptacles in which they are kept.*—All poisons kept for sale by any license-holder under these rules shall be kept in a box, almirah, room or building (according to the quantity maintained) which shall be secured by lock and key and in which no substance shall be placed other than poisons possessed in accordance with a license granted under the Act; and each poison shall be kept, within such box, almirah, room or building, in a separate closed receptacle of glass, metal or earthen ware. Every such box, almirah, room or building, and every such receptacle, shall be marked with the word "poison" in red characters, both English and Vernacular, and in the case of receptacles containing separate poisons, with the name of such poison.

15. *Poisons sold to be securely packed and labelled.*—When any poison is sold, it shall be securely packed in a close receptacle or packet (according to the quantity); and every such receptacle or packet shall be labelled by the vendor with a red label, bearing in English and in the vernacular or vernaculars prescribed by the local licensing authority the word "poison", which must be shown prominently at the top of the label, and the name of the poison; and also either in English or vernacular or in both, the name of the vendor and the address of the shop at which the poison is sold and the number and date of the entry in the register of sales specified in Rule 10.

16. *Sale of powdered white arsenic.*—A license-holder shall not sell powdered white arsenic to any person, unless the same is before the

sale thereof mixed with soot, indigo, or Prussian blue in the proportion of half an ounce of soot, indigo, or Prussian blue at least to one pound of white arsenic and so on in proportion for any greater or less quantity: provided that, where such arsenic is stated by the purchaser to be required for some purposes for which such admixture would, according to the representation of the purchaser, render it unfit, such arsenic may be sold, without such admixture, in a quantity, of not less than ten pounds at any one time.

17. *Sale of perchloride of mercury.*—A license-holder shall not sell perchloride of mercury to any person, unless the same is, before the sale thereof, mixed with Methylene blue or carmine in the minimum proportion of 10 grains of Methylene blue or carmine to 20 ounces of mercury perchloride.



## APPENDIX 'A'.

(Vide Rule 11.)

## MONTHLY STOCK BOOK—POISONS.

Name of Poison.

## Receipts.

## Issues.

Serial No.	Balance in stock.	Date.	Name of the person from whom received.	Address.	Quantity received.	Date.	Quantity sold.	Balance in Stock.	Remarks.

## APPENDIX B.

(Vide Rule 12.)

## Form of Prescription Register.

Serial No.	Date.	Name of Patient.	Age.	Address.	Prescription (to be copied in detail from the original presented).	By whom prescribed.	Initials of dispensing chemist.

[Gazette of India, 1923, Pt. II, p. 647.]

INDIAN INCOME-TAX ACT, 1922.

*Appointment of Resident as Commissioner.*

No. 2544/644-Int., dated the 18th December, 1922.—In exercise of the powers conferred by sub-section (3) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), as applied to the Cantonment of Baroda, the Governor General in Council is pleased to appoint the Resident at Baroda to exercise and perform, within the said Cantonment, the powers and duties conferred by the said Act upon a Commissioner of Income-tax.

[*Gazette of India*, 1922, Pt. I, p. 1525.]

*Appointment of First Assistant Resident as Income-Tax Officer.*

No. 227, dated the 5th January 1923.—In exercise of the powers conferred by sub-section (4) of section 5 of the Income-tax Act, 1922 (XI of 1922), as applied to the Cantonment of Baroda, the Resident at Baroda in his capacity of the Commissioner of Income-tax, Baroda Cantonment, is pleased to appoint the First Assistant Resident at Baroda to exercise and perform, within the said Cantonment, the powers and duties conferred by the said Act upon the Income-tax Officer.

[*Gazette of India*, 1923, Pt. II, p. 47.]

CANTONMENT (HOUSE ACCOMMODATION) ACT, 1923.

*Operation of the Act.*

No. 9879, dated the 30th June, 1903.—In exercise of the powers conferred by section 3, sub-section (i), of the Cantonments (House Accommodation) Act, 1902 (II of 1902)<sup>1</sup>, as applied to the Cantonment of Baroda by the notification of the Government of India in the Foreign Department, No. 2702-I.A.,<sup>2</sup> dated the 12th June 1903, and with the previous sanction of the Governor General in Council, the Resident at Baroda is pleased to declare that the said Act shall be operative in so much of the said Cantonment as comprises the sites of the Bungalows numbered 4, 5, 6, 7, 8, 9, 10, 13, 14, 21, 23, 24 and 26, respectively.

[*Gazette of India*, 1903, Pt. II, p. 726.]

*Appropriation of Bungalow for Telegraph Department.*

No. 14151, dated the 21st September, 1918.—With reference to Notification by the Resident at Baroda, No. 9879, dated the 30th June,

<sup>1</sup> See now the Cantonments (House-Accommodation) Act, 1923 (VI of 1923) and section 1 (3) thereof.

<sup>2</sup> See now Notification No. 265-I., dated the 24th April, 1929. Printed *supra*, p. 21.

1903, declaring the Cantonments (House Accommodation) Act, 1902 (II of 1902), operative in so much of the Cantonment of Baroda as comprises the sites of certain bungalows, the Resident at Baroda, with the concurrence of the General Officer Commanding, Bombay Brigade, is pleased under clause (d) of section 11 of the Act to appropriate bungalow No. 13 for the use of the Telegraph Department.

[*Gazette of India*, 1918, Pt. II, p. 1781.]

### *Rules.*

*No. 352-I., dated the 2nd July, 1924.*—In exercise of the powers conferred by section 35 of the Cantonments (House Accommodation) Act, 1923 (VI of 1923), as applied to the Cantonment of Baroda, the Governor General in Council is pleased to make the following rules:—

1. *Short title and extent.*—(1) These rules may be called the Baroda Cantonment (House Accommodation) Rules, 1924.

(2) They extend to the whole of the Baroda Cantonment.

2. *Form of notices.*—(1) Every notice prescribed by section 6 or section 7 of the Cantonments (House Accommodation) Act, 1923, hereinafter referred to as “the Act” shall be in the appropriate form set forth in Schedule A with such variations as the circumstances of each case may require.

(2) The lease referred to in section 7 of the Act, shall, as nearly as may be, be executed in the form set forth in Schedule B.

3. *Service of notices.*—Any notice issued under the Act or these rules, if not served by post under section 34 of the Act, may be served by any person authorised by the Commanding Officer of the Cantonment in this behalf:—

(a) by giving or tendering a duly signed copy thereof to the person to whom it is addressed; or

(b) where the notice cannot be served in the manner specified in clause (a), by causing it to be affixed to some conspicuous part of the house to which it relates.

4. *Petition or appeal.*—Every petition or appeal under section 30 of the Act shall state the grounds of appeal.

5. *Notice of meetings of Committee of Arbitration.*—When a Committee of Arbitration, hereinafter referred to as “the committee”, has been duly constituted and each of the members thereof informed by the Commanding Officer of the Cantonment of the fact, by notice as provided in sub-section (I) of section 24 of the Act, the Chairman of the Committee shall, within a week from the receipt of such notice, fix

the time and place of meeting and give notice of the same in writing to the other members of the Committee, and, through the Commanding Officer of the Cantonment, to the parties concerned.

6. *Contents of notice.*—The notice given to the parties under rule 5 shall state the purpose for which the Committee will assemble, and shall contain a direction to them to produce their evidence, oral and documentary, on the date fixed, or if they are unable to do so, to forward to the Chairman at least 7 days prior to the day of the meeting, a list of the witnesses whom they desire to be summoned in their behalf, either to give evidence or to produce documents relating to the matter in dispute.

7. *Chairman to move District Magistrate for issue of process.*—On receipt of the lists of witnesses and documents, if any, the chairman shall, if he considers the request made for the attendance of the witnesses named and the production of the documents called for to be reasonable, transmit the list to the District Magistrate for issue of the necessary processes under sub-section (2) of section 24 of the Act. If he considers the attendance of any witness named or the production of any document called for to be unnecessary, he shall inform the party concerned and the question whether such witness shall be summoned or such document called for shall be determined by the Committee at their first meeting.

8. *Power of Chairman to call additional evidence.*—It shall be open to the Chairman to call for the attendance of witnesses or the production of documents other than those named by the parties and to transmit a list of such witnesses and documents to the District Magistrate for issue of the necessary process.

9. *Record of award.*—(1) The Chairman shall record in the award the question for decision, the number of the Station Order convening the Committee, the names and status of the members thereof, and the decision arrived at. The award shall be signed by the Chairman and the members of the committee, and shall be forwarded by the Chairman in duplicate to the Commanding Officer of the Cantonment for disposal.

(2) The dissent of any member from any decision of the Committee of Arbitration with his reasons therefor, shall, if such member so requests, be attached by the Chairman to the Proceedings.

10. *Power to correct mistake.*—The Committee shall have power to correct any clerical mistake or error in its award which may have arisen from any accidental error or omission.

11. *Power of entry and inspection.*—The Committee, or any members thereof or any person specially authorised by them in this behalf may

enter into or on any building or land, which is the subject of arbitration; and may make such inspection and may cause such expert examination to be made as they think fit.

12. *Contents of requisition for reference to Committee.*—Every requisition for reference of any question to a Committee of Arbitration shall set forth the grounds upon which the applicant relies.

13. *Replacement of member dying or becoming unable to act.*—Where any member of the Committee dies or becomes incapable of acting, the officer or owner as the case may be, who nominated him shall nominate another person in his place within seven days from the date on which he is called upon to do so; and if he fails to do so, the District Magistrate shall forthwith appoint a member in his place.

14. *Supply of copy of award.*—The Chairman shall furnish a copy of the award to each of the parties free of charge and shall then forward the original to the Commanding Officer of the Cantonment.

15. *Limitations on power of entry, etc.*—Any power of entry, inspection, measurement or survey conferred by the Act or these rules shall be exercised in accordance with the following provisions, namely:—

- (a) such power shall be exercised only between sunrise and sunset;
- (b) in the case of an occupied building or occupied land such power shall not, save with the consent of the occupier, be exercised unless twenty-four hours' notice in writing has been given to the said occupier;
- (c) when in the exercise of such power a building used as a human dwelling is entered, due regard shall be paid to social and religious sentiments of the occupiers; and no apartment in the actual occupancy of a woman shall be entered until she has been informed that she is at liberty to withdraw, and every reasonable facility has been afforded to her for withdrawing.

16. *Penalty for obstruction.*—Whoever obstructs any person, not being a public servant within the meaning of section 21 of the Indian Penal Code, in any entry, inspection, measurement or survey which such person is authorised to make under the Act or these rules shall be punished with fine which may extend to fifty rupees and in the case of a continuing offence with fine which in addition to such fine as aforesaid may extend to five rupees for every day after the first day during which such offence continues.

SCHEDULE A.

[See Rule 2 (1).]

FORM I.

*Notice to owner under sub-section (1) of section 6 of the Cantonments  
(House Accommodation) Act, 1923.*

To,

Whereas I \_\_\_\_\_, Commanding Officer of the  
Cantonment of Baroda consider that the liability imposed by section 5  
of the Cantonments (House Accommodation) Act, 1923, should be  
enforced in respect of house No. \_\_\_\_\_, situated within the said  
Cantonment, of which house you are the owner:—

This is to require you to permit the said house to be inspected,  
measured and surveyed by \_\_\_\_\_ on the \_\_\_\_\_ day of

19 \_\_\_\_\_, at  $\frac{\text{A.M.}}{\text{P.M.}}$

(Signed)

Commanding Officer  
of the Cantonment of Baroda.

FORM II.

*Notice to owner under clause (a) and clause (c) of sub-section (1) of  
section 7 of the Cantonments (House-Accommodation) Act, 1923.*

To,

Whereas on the report of \_\_\_\_\_ I, Commanding Officer  
of the Cantonment of Baroda, am satisfied that house No. \_\_\_\_\_  
situated within the said Cantonment, of which you are the owner, is  
suitable for occupation by a military officer or a military mess, and  
whereas the previous sanction of the Officer Commanding the District  
has been obtained to the issue of this notice:—

Take notice that you are hereby required to execute on or before  
the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
a lease of the said house to the Government for a period of  
\_\_\_\_\_ years:—

And take notice that the amount of the annual rent proposed as  
reasonable for the said house (calculated\* on the assumption that you  
will carry out the repairs hereinafter required), is Rs. \_\_\_\_\_ and  
that unless within a period of fifteen days from the service of this

\* To be omitted where the owner is not required to execute repairs under  
clause (c) of section 7 (1).

notice you require the matter to be referred to a Committee of Arbitration you will be deemed to have accepted the said rent.

And take notice that you are hereby further required to execute on or before the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
at a total estimated cost of Rs. \_\_\_\_\_ the repairs specified in the annexed list, being in my opinion necessary for the purpose of putting the house into a state of reasonable repair.

*List of repairs to be executed.*

Nature of repair.

Estimated cost.

(Signed)

Commanding Officer  
of the Cantonment of Baroda.

FORM III.

*Notice to occupier under clause (b) of sub-section (1) of section 7 of the  
Cantonments (House-Accommodation) Act, 1923.*

To,

Whereas on the report of \_\_\_\_\_ I, Commanding Officer of the Cantonment of Baroda, am satisfied that house No. \_\_\_\_\_ situated within the said Cantonment, of which you are the existing occupier, is suitable for occupation by a military officer or a military mess, and whereas the previous sanction of the Officer Commanding the District has been obtained to the issue of this notice:—

Take notice that you are hereby required to vacate the said house on or before the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

(Signed)

Commanding Officer  
of the Cantonment of Baroda.

SCHEDULE B.

[See Rule 2 (2).]

This indenture made the \_\_\_\_\_ day of \_\_\_\_\_ one thousand  
nine hundred and twenty \_\_\_\_\_ between \_\_\_\_\_  
of \_\_\_\_\_ (hereinafter called  
the lessor which expression shall where the context so admits include  
his heirs, representatives and assigns) of the one part and the Secretary  
of State for India in Council (hereinafter called the lessee which expres-  
sion shall include his successors in office and assigns) of the other part.

Whereas the lessor is the owner of the premises intended to be hereby demised and whereas the said Commanding Officer has by notice issued under sub-section (I) of section 7 of the Cantonments (House-Accommodation) Act, 1923 (hereinafter called the Act) required the lessee to execute a lease of the premises hereby demised.

Now this indenture witnesseth as follows:—

I. The lessor hereby lets and the lessee takes all that dwelling house situate in Road  
street in Baroda Cantonment which premises contain by admeasurement or thereabouts and are delineated and coloured on the map or plan hereto annexed together with the out-buildings, grounds, garden, trees, fences, hedges, ditches, wells, easements and appurtenances whatsoever to the said dwelling house and premises belonging or usually held or enjoyed therewith for a period of years from the day of at the rent of Rs. payable at the first of such payments being made on

II. The lessee hereby covenants with the lessor—

- (1) That he will pay the rent hereby reserved at the times aforesaid.
- (2) That he will yield up the said dwelling house on the expiration of this lease in a state of reasonable repair.
- (3) That he will maintain the grounds and the garden (if any) appertaining to the said dwelling house in the condition in which they are at the date of these presents.

In witness whereof the Lessor and\* by the order and direction of the Governor General in Council acting in the premises for and on behalf of the Secretary of State have hereunto set their hands.

This day of 19 .

Signed by the abovenamed in the presence of .

Signed by the said† by the order and direction of the Governor General of India in Council acting in the premises for and on behalf of the Secretary of State in the presence of .

[Gazette of India, 1924, Pt. I, p. 625.]

\* Add designation.

† Add designation.



## CANTONMENTS ACT, 1924.

*Definition of the limits of Baroda Cantonment.*

No. 4370-I.A., dated the 1st December, 1897.—(Not reprinted.)

[*Gazette of India*, 1897, Pt. I, p. 1074.]

*Diseases included under "Infectious or contagious disease".*

No. 8213, dated the 27th May, 1924.—In exercise of the powers conferred by section 2 clause XVII of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Baroda by the Government of India, the Resident at Baroda is pleased to declare that the under-mentioned diseases shall be included under "Infectious or contagious disease" for the purposes of the said Act:—

Acute Poliomyelitis.

Anthrax.

Cerebrospinal fever.

Relapsing fever.

Epidemic Pneumonia.

Encephalitis Lethargica.

[*Gazette of India*, 1924, Pt. II-A, p. 203.]

*Imposition of Taxes.*

No. 3108, dated the 28th February, 1928.—In exercise of the powers conferred by section 60 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Baroda, and in supersession of the Notification No. 19510, dated the 11th December 1923, the Resident at Baroda is pleased to impose, with effect from the 1st April 1928, the following taxes at the rate specified in the case of each such tax, namely:—

## I.—PROPERTY RATES.

(1) *House-tax.*

A consolidated annual rate of four per cent. of the annual rental of all houses and buildings within Baroda Cantonment.

(2) *Conservancy Tax.*

	Per mensem.		
	Rs.	A.	P.
(a) Within the limits of the Bazar—			
For each privy belonging to a house . . . . .	0	8	0
For each cess-pool or each washing place belonging to a house connected or unconnected with the public drain . . . . .	0	6	0
For each house without a privy or a washing place or a cess-pool . . . . .	0	2	0

	Per mensem. Rs. A. P.
(b) Outside the limits of the Bazar—	
For each bungalow or other building of which the annual value does not exceed Rs. 240 . . . . .	1 0 0
For each bungalow or other building of which the annual value exceeds Rs. 240, but does not exceed Rs. 600 . . . . .	1 2 0
For each bungalow or other building of which the annual value exceeds Rs. 600 . . . . .	2 0 0
(c) In the Cantonment generally—	
For each empty bungalow or house, in the out-houses, stables, or other buildings of which more than one person reside . . . . .	Half the above rates.

(3) Water-Tax.

	Per annum. Rs. A. P.
(a) For each house or building or holding of land the value of which does not exceed Rs. 100 . . . . .	0 6 0
(b) For each house or building or holding of land the value of which exceeds Rs. 100 but does not exceed Rs. 500 . . . . .	0 12 0
(c) For each house or building or holding of land the value of which exceeds Rs. 500 . . . . .	1 8 0

Provided that—

- <sup>1</sup>[(1)] The Cantonment Conservancy Establishment shall perform for all buildings, houses and lands within the limits of the Bazar all the duties usually performed by sweepers.
- <sup>1</sup>[(2)] Buildings in Pensionpura shall be exempt from conservancy and water taxes.
- <sup>1</sup>[(3)] Where two or more houses in serial numbers are used by one and the same family, conservancy and water taxes shall be levied in respect of one house only.
- <sup>1</sup>[(4)] Buildings exclusively occupied for grain shops, godowns or storing materials shall be exempt from conservancy tax only but remain liable to pay the house tax and the water tax.
- <sup>1</sup>[(5)] The block of rooms built by the Baroda Camp Flood Relief Committee for sweepers in the limits of the Cantonment shall be exempt from all the property rates, viz., house tax, conservancy tax and water tax.

II.—DOG-TAX.

	Per annum. Rs. A. P.
For every dog of the age of six months or more payable by the persons owning or having charge of such dog within the limits of the Cantonment . . . . .	1 0 0

Provided that—

No such tax shall be levied from—

- (a) Any warrant officer or any non-commissioned officer or soldier of His Majesty's Forces; or
- (b) Any person residing for not more than thirty days in the year within the limits of the Cantonment.

<sup>1</sup> Omitted and re-numbered by Notification No. 4809, dated the 6th April, 1929. Gazette of India, 1929, Pt. II-A, p. 154.

## III.—CARRIAGE-TAX.

*Private vehicles.*

	Per annum.
	Rs. A. P.
(a) A motor car . . . . .	9 0 0
(b) A four-wheeled vehicle . . . . .	6 0 0
(c) A two-wheeled vehicle . . . . .	3 0 0
(d) A motor cycle . . . . .	3 0 0

## IV.—LICENSE FEES.

- (a) For every license given by the Cantonment Authority for the playing of a band or for going in procession along the public road in the Cantonment . . . . . Eight annas per diem.
- (b) For every license or permission given by the Cantonment Authority for the setting up of any booth or platform or placing benches on a public space, road, or street in the Cantonment for the purpose of marriage or other ceremonies . . . . . One anna per diem per sq. yard.
- (c) For every license or permission given by the Cantonment Authority for every assemblage under 500 people for a caste dinner upon the public thoroughfares, lanes or streets . . . . . Four annas per diem.
- (d) For every license or permission given by the Cantonment Authority for every assemblage over 500 people for a caste dinner upon the public thoroughfare, lanes or streets . . . . . Eight annas per diem.
- (e) For every license or permission given by the Cantonment Authority for the depositing of building materials or the erection of scaffolding upon, or in, any public road, lane or street in the Cantonment . . . . . One anna per diem per 10 sq. yards of frontage.
- (f) For every license given by the Cantonment Authority for the use of any place in the Cantonment for the purpose of tethering cattle belonging to milk-sellers . . . . . Four annas per annum per sq. yard of place licensed.
- (g) For every license given by the Cantonment Authority to permit a pawn-broker to carry on his trade . . . . . Eight annas per mensem.

*Imposition of Octroi duties.*

No. 20316, dated the 10th December, 1925.—In exercise of the powers conferred by section 60 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Baroda, the Resident at Baroda is pleased to impose, with effect from the 16th November, 1925, octroi duties on the articles imported into the said Cantonment as shown in column 2 of the Schedule hereunto annexed at the rates mentioned in columns 3 and 4 thereof.

*Schedule.*

Serial No.	Name of article.	Per	Rate.
1	2	3	4
1. *	* . . . . . Bengali maund	.	.
2. (a)	Ammunition . . . . .	" "	.
(b)	Arms . . . . .	" "	.
(c)	Drums (for music) of all sorts .	" "	.
(d)	Gun . . . . .	" "	.
(e)	Gunpowder . . . . .	" "	.
(f)	Fireworks . . . . .	" "	.
(g)	Motors including Motor vehicles. Standard weight in Bengali maunds 53 . .	" "	.
(h)	Parts of motors including motor vehicles . . . . .	" "	.
(i)	Accessories required for motors including motor vehicles excepting oil . . . . .	" "	.
(j)	Musical instruments . . . . .	" "	.
(k)	Typewriters . . . . .	" "	.
3. (a)	Cigarettes, chiroots and cigars .	" "	.
(b)	Tobacco, imported . . . . .	" "	.
4. (a)	Finished articles of copper, brass, amalgamation of zinc and copper, German silver and aluminium and tin (excepting those of iron) .	" "	.
(b)	Leather goods of all sorts .	" "	.
(c)	Hides, tanned . . . . .	" "	.
(d)	Methylated spirits . . . . .	" "	.
(e)	Piece-goods cotton, silk and woollen . . . . .	" "	.
5. (a)	Cutlery . . . . .	" "	.
(b)	Colours and paints of all sorts, Indian and Foreign (excepting red and yellow earth used for colour washing purposes) . . . . .	" "	.
(c)	All articles made of glass .	" "	.

<sup>1</sup> Deleted by Notification No. 13776, dated the 2nd August, 1926. *Gazette of India*, 1926, Pt. II-A, p. 295.

Serial No.	Name of article.	Per	Rate.
1	2	3	4
5. (d)	Household effects and furniture . . . . .	Bengali maund	0 8 0
(e)	Ink . . . . .	" "	
(f)	Lacquer work including articles painted with lacquer . . . . .	" "	
(g)	Marble stones . . . . .	" "	
(h)	Stationery (excepting papers) . . . . .	" "	
(i)	Tiles, encaustic . . . . .	" "	
(j)	Umbrellas . . . . .	" "	
(k)	Varnishes . . . . .	" "	
(a)	Almonds, pistachio nuts, charolee and cardamoms . . . . .	" "	
(b)	Asafoetida . . . . .	" "	
(c)	Biddies, country . . . . .	" "	0 4 0
(d)	Butter . . . . .	" "	
(e)	Chillies . . . . .	" "	
(f)	Chemicals of all sorts . . . . .	" "	
(g)	Confectionery . . . . .	" "	
(h)	Cream . . . . .	" "	
(i)	Cocoa . . . . .	" "	
(j)	Coffee . . . . .	" "	
(k)	Earthenware pipes . . . . .	" "	
(l)	Ghee . . . . .	" "	
(m)	Grease . . . . .	" "	
(n)	Groceries . . . . .	" "	
(o)	Gudakhu (a preparation of tobacco with molasses for smoking) . . . . .	" "	
(p)	Iron and articles made of iron including sheets . . . . .	" "	
(q)	Lead . . . . .	" "	
(r)	Medicines . . . . .	" "	
(s)	Milk inspissated by boiling (maps) . . . . .	" "	
(t)	Oilman stores . . . . .	" "	
(u)	Oil, edible . . . . .	" "	
(v)	* * * *1 . . . . .	" "	
(w)	Paper . . . . .	" "	
(x)	Perfumed and other oils (excepting crude oil) . . . . .	" "	
(y)	Provisions . . . . .	" "	
(z)	Sheets made of copper, brass, zinc and metals of all kinds excepting iron . . . . .	" "	
(aa)	Sugar and articles made of sugar and molasses . . . . .	" "	
(bb)	Tea . . . . .	" "	
(cc)	Tin . . . . .	" "	
(dd)	Tobacco . . . . .	" "	
(ee)	Turmeric . . . . .	" "	
(ff)	Zinc . . . . .	" "	

<sup>1</sup> Deleted by Notification No. 13776, dated the 2nd August, 1926. *Gazette of India*, 1926, Pt. II-A, p. 295.

Serial No.	Name of article.	Per	Rate.
1	2	3	4
7.	(a) All miscellaneous articles not included in any of the entries of this schedule . . . . .	Bengali maund . . . . .	0 2 0
	Carriages, 4-wheeled or 2-wheeled. Standard weight in Bengali maunds 45 . . . . .	" " . . . . .	
	Vans. Standard weight in Bengali maunds 27 . . . . .	" " . . . . .	
	Small carriages. Standard weight in Bengali maunds 13½ . . . . .	" " . . . . .	
	(b) Cement . . . . .	" " . . . . .	
	(c) Earth, yellow and red . . . . .	" " . . . . .	
	(d) Lime for whitewashing . . . . .	" " . . . . .	
	(e) Machinery (excepting type-writer machine) . . . . .	" " . . . . .	
	(f) Tiles, Mangalore and Minton . . . . .	" " . . . . .	
	(g) Timber (teakwood, blackwood scantlings) . . . . .	" " . . . . .	
8.	(a) Cotton, silk and woollen yarn . . . . .	" " . . . . .	0 1 3
	(b) Flour including atta, maida and soojee . . . . .	" " . . . . .	
	(c) Fruits of Nimb trees . . . . .	" " . . . . .	
	(d) Oil extracted from Mowra fruits . . . . .	" " . . . . .	
	(e) Seeds of all kinds including castor seeds, groundnuts seeds, linseed, rape seeds and sesamum (for cotton seeds and guvar see Serial No. 9) . . . . .	" " . . . . .	
	(f) Grain of all sorts (wheat, millet, rice and pulses, etc.) . . . . .	" " . . . . .	
	(g) Soaps of all sorts . . . . .	" " . . . . .	
9.	(a) Broken pieces of articles of all metals . . . . .	" " . . . . .	0 0 4
	(b) Charcoal . . . . .	" " . . . . .	
	(c) Cotton seeds . . . . .	" " . . . . .	
	(d) Dung cakes, dried up for fuel . . . . .	" " . . . . .	
	(e) Dung, dried, used for fuel . . . . .	" " . . . . .	
	(f) Firewood . . . . .	" " . . . . .	
	(g) Forage . . . . .	" " . . . . .	
	(h) Grass (fodder) . . . . .	" " . . . . .	
	(i) Guvar . . . . .	" " . . . . .	
	(j) Hard molasses used in distilling country liquor . . . . .	" " . . . . .	
	(k) Iron pig . . . . .	" " . . . . .	0 8 0
10.	(a) Bricks . . . . .	Ton . . . . .	
	(b) Coal minerals . . . . .	" . . . . .	
	(c) Coke . . . . .	" . . . . .	
	(d) Kanker . . . . .	" . . . . .	

Serial No.	Name of article.	Per	Rate.
1	2	3	4
10.	(e) Lime for masonry . . . . Ton	. . . . .	} 0 8 0
	(f) Oil, crude . . . . .	. . . . .	
	(g) Road metal . . . . .	. . . . .	
	(h) Rubber stone . . . . .	. . . . .	
	(i) Sand . . . . .	. . . . .	
	(j) Stone . . . . .	. . . . .	
	(k) Tiles, country . . . . .	. . . . .	
11.	Tigers, rhinoceroses, elephants and lions . . . . . Head	. . . . .	2 0 0
	Camels . . . . .	. . . . .	0 4 0
	Cows, bullocks, buffaloes, horses and such other animals . . . . .	. . . . .	0 2 0
	Sheep, goats, lambs and such other animals . . . . .	. . . . .	0 1 0

[*Gazette of India*, 1925, Pt. II-A., pp. 400-401.]

### *Baroda Cantonment Property Rules, 1928.*

No. 524-I., dated the 25th September, 1928.—In exercise of the powers conferred by section 111 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Baroda, the Governor General in Council is pleased to make the following rules, namely:—

#### *Cantonment Property Rules.*

1. *Short Title.*—These rules may be called the Baroda Cantonment Property Rules, 1928.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context:—

- (a) “the Act” means the Cantonments Act, 1924, as applied to the Cantonment of Baroda;
- (b) “immoveable property” includes land, benefits to arise out of land and things attached to the earth or permanently fastened to things attached to the earth; but does not include standing timber, growing crops or grass;
- (c) “moveable property” includes standing timber, growing crops and grass, fruit upon and juice in trees, bark, lac, and property of every other description except immoveable property.

3. *Registers of Cantonment property.*—Registers of immoveable and moveable property which vest in and belong to the Cantonment Authority shall be maintained by the Cantonment Authority in the forms prescribed by rules 70 and 71 of the Cantonment Account Code, 1924,

as in force in the Cantonment of Baroda and all additions to or alterations in the holdings of the Cantonment Authority shall be recorded therein.

4. *Purchase or lease of land.*—Subject to the provisions of section 109 and section 110 of the Act, the Cantonment Authority may purchase or take on lease any immoveable property, other than property which is vested in His Majesty that may be required for an immediate and definite purpose connected with the administration of the Cantonment. Provided that the Cantonment Authority shall not acquire any interest in any such property within the limits of the Cantonment except with the sanction of the Officer Commanding-in-Chief, the Command.

5. *Application for acquisition of land under the Land Acquisition Act, 1894.*—In making an application to the Local Government under section 110 of the Act for the acquisition of land, the Cantonment Authority shall state clearly the necessity for the acquisition and shall submit an estimate of the compensation to be paid and of the revenue, if any, to be remitted. The Cantonment Authority shall also certify that acquisition by private contract has been found impracticable or is, for special reasons, undesirable.

6. *Transfer to Cantonment Authority of land vested in His Majesty.*—When any land in the cantonment which is vested in His Majesty is required by the Cantonment Authority for a purpose connected with the administration of the cantonment the Cantonment Authority may apply to the Government of India for the grant of the land, stating the reasons why it is required and the purpose to which it will be applied. If the Government of India consider that the application should be accepted they may transfer the land to the Cantonment should be accepted they may transfer the land to the Cantonment

Provided that—

- (1) if the land applied for is already occupied for any other purpose, its transfer to the Cantonment Authority shall be governed by the provisions of rule 9 of the Cantonment Land Administration Rules, 1925;
- (2) if the land is required for an object from which the Cantonment Authority will derive income of any description, it may be transferred to the Cantonment Authority only on such payment made in such manner as the Government of India may consider equitable in each case;
- (3) if at any time the land is not used for the object for which it was granted to the Cantonment Authority, or if there has been, in the opinion of the Government of India, any other breach of the conditions on which it was transfer-



red to the Cantonment Authority, or if the land is required for a general public purpose, the Government of India may resume possession of the land; and for any land so resumed by the Government of India the amount of compensation payable to the Cantonment Authority shall be decided by the Government of India in each case, and shall in no circumstances exceed the amount, if any, paid to the Government of India by the Cantonment Authority for the transfer of the land together with the initial cost or the present value, whichever is less, of the buildings, if any, erected thereupon.

7. *Transfer by Cantonment Authority of immoveable property.*—Immoveable property which vests in and belongs to the Cantonment Authority shall not be transferred to any person by the Cantonment Authority by way of sale, mortgage or exchange, or otherwise than by lease without a premium, except with the previous sanction of the Government of India and in such manner and on such terms and conditions as the Government of India may approve.

8. *Lease by Cantonment Authority.*—Subject to the provisions of section 200 of the Act regarding public markets and slaughter houses, immoveable property (not being a street or part of a street) which vests in and belongs to the Cantonment Authority may be leased by the Cantonment Authority without a premium on the following conditions, namely:—

- (1) that a reasonable rent is reserved and made payable during the whole term of the lease;
- (2) that the lease, or the agreement for the lease, is not made for any term without the previous sanction of the Cantonment Authority by resolution at a general meeting; or for any term exceeding five and not exceeding thirty years without the sanction of the Officer Commanding-in-Chief, the Command; or for any term exceeding thirty years without the sanction of the Government of India.

9. *Power to transfer immoveable property to His Majesty.*—Notwithstanding anything contained in these rules, the Cantonment Authority may, with the consent of the Government of India, transfer to His Majesty any immoveable property which vests in and belongs to it under section 108 of the Act, but not so as to affect any trusts or public rights subject to which the property is held.

10. *Power to acquire and transfer moveable property.*—Subject to the provisions of section 109 of the Act, the Cantonment Authority may acquire any moveable property that may be required for the

purposes of the Act, and may transfer any moveable property which vests in and belongs to the Cantonment Authority in any way and on any terms that it may, by resolution at a general meeting, determine to be expedient and reasonable.

[*Gazette of India*, 1928, Pt. I, p. 817.]

*Fee for licenses for certain traders.*

No. 2860, dated the 22nd February, 1929.—In exercise of the powers vested in him under Section 210, Sub-Section 4 of the Cantonments Act, 1924, as applied to the Cantonment of Baroda, the Resident at Baroda is pleased to direct that, with effect from 1st April 1929 a fee of rupee (1-0-0) one only per annum shall be charged by the Cantonment Authority for the grant of licenses under section 210, sub-section 1, of the said Act to each of the persons mentioned below for carrying on his trade, calling or occupation in the said Cantonment:—

- (1) Butchers and vendors of fish.
- (2) Persons keeping milch cattle or milch goats for profit.
- (3) Buttermen and makers and vendors of ghee.
- (4) Makers of bread, biscuits or cake, and vendors of bread, biscuits or cake made in India.
- (5) Vendors of fruit or vegetables.
- (6) Manufacturers of aerated or other portable waters or of ice or ice-cream, and vendors of the same.
- (7) Vendors of medicines or articles of food or drink for human consumption which are of a perishable nature.
- (8) Washermen.
- (9) Dealers in hay, wood or charcoal.
- (10) Dealers in fire-works, kerosene oil, petroleum or any other inflammable oil or spirit.
- (11) Vendors of wheat, rice and other grain or of flour.
- (12) Makers and vendors of sugar or sweetmeats.

[*Gazette of India*, 1929, Pt. II-A., p. 98.]

*Cantonment Account Code 1924, declared in force.*

No. 483-I, dated the 29th September, 1925.—In exercise of the powers conferred by sub-section (3) of section 281 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Baroda, the Governor General in Council is pleased to declare the Cantonment Account Code, 1924, to be in force in the Cantonment of Baroda, subject to the modifications specified in the first proviso to the notifi-

cation<sup>1</sup> of the Government of India in the Foreign Department, No. 162-I. B., dated the 28th January 1913, and subject also to such further modifications, not affecting the substance, as may be necessary or proper to adapt the said Code to the Cantonment of Baroda.

[*Gazette of India*, 1925, Pt. I, p. 907.]

*Cantonment Fund Servants Rules, 1925, declared in force.*

No. 578-I., dated the 8th December, 1925.—In exercise of the powers conferred by sub-section (3) of section 281 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Baroda, the Governor General in Council is pleased to declare the rules published with the notification of the Government of India in the Army Department, No. 1002, dated the 10th July 1925, to be in force in the Cantonment of Baroda, subject to the modifications specified in the first proviso to the notification<sup>1</sup> of the Government of India in the Foreign Department, No. 162-I. B., dated the 28th January, 1913, and subject also to such further modifications, not affecting the substance, as may be necessary or proper to adapt the said Rules to the Cantonment of Baroda.

[*Gazette of India*, 1925, Pt. I, p. 1183.]

*Cantonment Land Administration Rules, 1925, declared in force.*

<sup>2</sup> No. 60-I., dated the 27th January, 1926.—In exercise of the powers conferred by sub-section (3) of section 281 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Baroda, the Governor General in Council is pleased to declare the Cantonment Land Administration Rules, 1925, to be in force in the Cantonment of Baroda, subject to the modifications specified in the first proviso to the notification<sup>1</sup> of the Government of India in the Foreign Department, No. 162-I. B., dated the 28th January, 1913, and subject also to such further modifications, not affecting the substance, as may be necessary or proper to adapt the said Rules to the Cantonment of Baroda:

Provided that in the rules as in force in the said Cantonment references to a Collector shall be read as referring to the First Assistant Resident at Baroda.

[*Gazette of India*, 1926, Pt. I, p. 200.]

<sup>1</sup> See now Notification No. 265-I., dated the 24th April, 1929. Printed, *supra*, p. 21.

<sup>2</sup> For appointment of Military Estates Officer, see Notification No. 1255, dated the 8th October, 1927. *Gazette of India*, 1927, Pt. I, p. 947.

*Amendment of Cantonment Land Administration Rules, 1925, as in force.*

No. 237-I., dated the 26th May, 1926.—In exercise of the powers conferred by sub-section (3) of Section 281 of the Cantonments Act, 1924 (2 of 1924), as applied to the Cantonment of Baroda, the Governor General in Council is pleased to make the following amendments in the Cantonment Land Administration Rules, 1925, as in force in the Cantonment of Baroda, namely:—

(1) For clause (27) of rule 13 of the said rules the following clause shall be substituted namely:—

(27) *Credit of receipts.*—Subject to the reservations referred to in clause 6 of rule 11, all amounts payable annually under headings (a) and (b) in clause 26 shall be credited to the Cantonment Fund.

(2) *Credit of receipts.*—For clause (3) of rule 14, of the said rules, the following clause shall be substituted, namely:—

“(3) All receipts from land entrusted to the management of the Military Estates Officer shall be credited to the Cantonment Fund.”

[*Gazette of India*, 1926, Pt. I, p. 651.]

*Bye-laws for the collection and recovery of octroi duties.*

No. 19630, dated the 1st December, 1925.—In exercise of the powers conferred by sub-section (1) of section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Baroda, the Resident at Baroda is pleased to confirm and publish for general information the following bye-laws framed by the Cantonment Authority, Baroda, under section 282, sub-section (3) of the said Act:—

*Bye-laws for the collection and recovery of octroi duties in the Baroda Cantonment.*

1. Octroi duties shall be payable on demand, and shall be levied and collected under the direction and control of the Executive Officer at rates sanctioned by the Resident at Baroda.

2. Every person in charge of goods shall on arrival at any Cantonment Octroi Naka declare whether they are intended:—

- (a) for sale, consumption or use within the Cantonment, or
- (b) for immediate exportation from the Cantonment:

If they fall under class (a) the Nakedar shall thereupon levy octroi duty on the goods according to the octroi schedule in force.

If they fall under class (b) he shall proceed as in rule 5 of these rules.

3. Every person importing dutiable articles falling under class (a) in rule 2 shall, on arrival at any Cantonment Octroi Naka, pay to the Nakedar duties leviable in respect of such goods and obtain from the Nakedar a receipt in the prescribed form for the money paid.

4. Whenever it is desired to import dutiable goods into Cantonment limits direct from the Railway Station without paying the Baroda Municipal Terminal Tax, the owner of such goods shall, on production to the Executive Officer, Baroda Camp, of the original invoice for the consignment, be granted by him, a pass in duplicate (one for the Railway authorities and one for himself) for exempting the goods from the payment of the Terminal Tax. The pass must be handed over to the Terminal Tax office clerk by the consignee or his agent when he takes delivery of the consignment.

5. In the case of goods imported for exportation within 24 hours, the Nakedar shall prepare a pass (on yellow coloured paper) in duplicate showing the nature and quantity of the goods, hours of entry and intended departure and the octroi duty leviable, and allow the goods to pass; but if the goods are not exported within 24 hours of entry intact, the owner shall pay the duties as noted on the yellow pass.

6. (a) In the case of goods and articles exempted under rule 13 (1) to (4) of these rules from payment of octroi duty, the Nakedar shall allow them to pass duty free only on the presentation by the importer of an exemption certificate duly signed by the proper official.

(b) In the case of goods for which an exemption certificate is produced the Nakedar will prepare a pass in duplicate (on red coloured paper) showing the nature, quality and quantity of the goods and will issue the original to the importer and retain the counterfoil together with the exemption certificate.

7. In any case in which the owner of a package or case refuses to show its contents to a Nakedar the latter shall have power to detain the same, and shall apply to the Executive Officer forthwith, who may order such examination of the contents of the package or case as he may deem necessary for the proper assessment of duty.

8. If any person refuse to pay the said octroi duties, the Nakedar may detain a portion of his taxable articles or goods sufficient to cover the amount, provided that application for recovery of the said duties be made without delay to the Executive Officer; otherwise the detention of the goods will be at the risk of the Nakedar.

9. The Nakedar and Chowkidars shall, while on duty, wear Khaki dress and Khaki caps with brass monograms which shall be supplied by the Executive Officer.

10. No person shall, knowingly or unknowingly, attempt smuggling into Cantonment limits of any articles liable to octroi duties and thereby evade payment thereof.

11. (a) In any case in which the Nakedar suspects that the smuggling of dutiable articles has taken place into the Cantonment limits, he shall at once report the fact to the Executive Officer who shall order the Nakedar, accompanied by the Head Clerk and a Police Officer, to carry out the search of the place or places where such smuggled articles are suspected to be stored.

(b) Every such search shall be carried out under the provisions laid down in the Code of Criminal Procedure.

12. No person shall obstruct or molest the Nakedar or the Octroi Chowkidars in the discharge of their duties.

13. The following shall be exempted from payment of the duties :—

- (1) All goods and articles, the property in which is vested in Government or in the Cantonment Authority.

**NOTE.**—This shall include articles and goods imported by contractors in fulfilment of Government contracts.

- (2) All personal effects of Government officials transferred to Baroda Camp on duty.
- (3) All articles imported by Officers of the station provided the Officer Commanding the station certifies the said articles are necessary to aid the officer in the execution of his Military duty.

This will not include consumable articles such as fodder, food-stuffs, etc.

- (4) All articles and goods imported for use in the Cantonment Dispensary.
- (5) Any article under the value of Re. 1 (one) not imported for trade purposes—and any parcel weighing less than 2½ Bengal seers (5 lbs.) whether imported for trade purposes or not.
- (6) All *bona fide* personal luggage of passengers arriving by passenger train and coming direct to the Cantonment.

No articles or goods coming under the above categories 1 to 4 shall be admitted duty free unless an exemption certificate signed by the Resident or the First Assistant Resident on his behalf in the case of Civil Officers and the officer Commanding Station in the case of Military Officers, or the Executive Officer, Baroda Cantonment, in the case of articles for the Cantonment is shown at the barrier.

14. Any person committing a breach of these rules shall, if the breach is not an offence, punishable under any specific section of the Cantonments Act, 1924, be punishable with fine which may extend to one hundred rupees.

15. A schedule of the octroi duties leviable and a copy of these bye-laws in English and Gujrati, shall be posted in a conspicuous position at all Octroi Nakas.

[*Gazette of India*, 1925, Pt. II-A, p. 390.]

#### *Other Bye-laws.*

No. 7509, dated the 7th May, 1926.—In exercise of the powers conferred by sub-section (I) to section 284 of the Cantonments Act, 1924 (II of 1924), as applied to the Cantonment of Baroda, the Resident at Baroda is pleased to confirm and publish for general information the following bye-laws made by the Cantonment authority, Baroda, under sections of the said Act mentioned below:—

[*Under sections 282 (20) and 283.*]

#### *Bye-law No. 1.—Public places.*

1. No person shall—

- (a) pluck any flower, leaf or fruit in any public place or from any public enclosure, or
- (b) cause or allow to be caused by negligence or otherwise damage to any fence or wall of any public enclosure or to any plant, shrub, tree, grass, plot, treeguard, lamp post, sign post, notice board, or the like in any public place.

2. Any person contravening this bye-law shall be punishable with fine which may extend to Rs. 50.

[*Under sections 282 (22) and 283.*]

#### *Bye-law No. 2.—Bathing and washing.*

1. Bathing or washing of any animal or article near or below any public water stand post is prohibited.

2. A breach of the above bye-law shall be punishable with fine which may extend to Rs. 50. •

[*Under sections 282 (23) and 283.*]

#### *Bye-law No. 3.—Posting of bills and advertisements.*

1. No bills or advertisements shall be posted on the walls of houses or bungalows in the Cantonment limits without the permission of the Cantonment authority.

2. A breach of the above bye-law shall be punishable with fine which may extend to twenty rupees.

[Under sections 282 (30) and 283.]

Bye-law No. 4.—*Infectious or contagious diseases.*

1. All cases of infectious or contagious diseases will be isolated under the orders of the Medical Officer in Charge, Cantonment Hospital.

2. All deaths from or suspected to have been caused by an infectious or contagious disease shall be reported by the medical practitioner in charge of the case and if no medical practitioner is in charge of the case by the person in charge of or in attendance on the patient, to the Medical Officer in Charge, Cantonment Hospital.

3. A breach of any of the above bye-laws shall be punishable with fine which may extend to fifty rupees.

[Under sections 282 (36) and 283.]

Bye-law No. 5.—*Cutting of trees, etc.*

1. No trees or shrubs of mature growth, whether standing in any private enclosure, or not, shall be felled without the previous sanction of the Cantonment authority.

2. All hedges shall be trimmed to a uniform height not exceeding 6 feet.

3. Quarrying or removing earth, sand, gravel or stone, except at the place or places fixed by the Cantonment authority, is prohibited.

4. No excavation shall be made within 20 yards of a public road or track, or within 5 yards of any tree.

5. Earth, gravel, sand, stone and moorum shall be quarried in such a manner as to ensure that no pits or hollows in which rain-water can stand are left.

6. A breach of any of these bye-laws shall be punishable with a fine which may extend to fifty rupees.

[Under sections 282 (31) and 283.]

Bye-law No. 6.—*Segregation of animals suffering from contagious or infectious diseases.*

1. Whoever, being the owner of any animal suffering or reasonably suspected to be suffering from a contagious or infectious disease shall, if he fails to give immediate information or gives false information to the Cantonment Authority, be punishable with a fine which may extend to Rs. 50.



2. All animals suffering or reasonably suspected to be suffering from any contagious or infectious disease may be segregated or destroyed under the orders of the Cantonment Authority who will recover from the owner any expenses for feeding and treatment incurred by it.

[Under sections 282 (29) and 283.]

Bye-law No. 7.—*Appointment of Agents.*

1. Every owner of a building or land situated within the Cantonment who does not reside within the Cantonment or who is absent therefrom or has been so absent for more than three months shall appoint in the manner hereinafter set forth a person ordinarily resident within the Cantonment to be his Agent for all the purposes of the Cantonments Act, 1924, or any rule or bye-laws made thereunder.

2. Every owner who is bound by bye-law 1 to appoint an Agent shall intimate to the Executive Officer in writing the name of such agent and when such agent shall have intimated to the Executive Officer in writing his willingness to serve, the owner shall be deemed to have complied with the preceding bye-law.

3. The Cantonment Authority may serve notices or bills upon, or demand payment of its dues from, such agent instead of upon or from his principal and the principal shall thereupon become liable as if the notice or bill had been served upon or the demand made from him personally.

4. Any owner of a building or land failing to appoint an agent in the manner required by bye-laws 1 and 2 shall be punishable with a fine which may extend to fifty rupees, and in the case of a continuing failure, with an additional fine which may extend to five rupees for every day during which such failure continues after conviction for the first such failure.

[Under sections 282 (32) and 283.]

Bye-law No. 8.—*Water supply.*

1. Water for drinking purposes shall be taken only from the public water stand posts on Cantonment roads and from the well in the compound of the Dâk Bungalow.

2. Opening the rear plug of the public water stand posts for taking water is strictly prohibited.

3. No well shall be contaminated or polluted in any manner whatever.

4. Only clean utensils shall be used for drawing and carrying water.

5. A breach of any of the above bye-laws shall be punishable with fine which may extend to fifty rupees.

[Under sections 282 (39) and 283.]

Bye-law No. 9.—*Number houses.*

Every owner of a bungalow or house in the Cantonment shall have legibly painted on the gate post or front wall its correct serial Number as allotted by the Cantonment Authority. A breach of the above bye-law shall be punishable with fine which may extend to twenty-five rupees.

[Under sections 282 (25) and 283.]

Bye-law No. 10.—*Licensing of donkeys.*

1. Every proprietor of a donkey plying for hire within the Baroda Cantonment shall take out a license annually on application to the Executive Officer.

2. The fee payable for the license for each donkey shall be annas 8 per annum and must be deposited with the application for license.

3. The Executive Officer may refuse the grant of a license if the donkey appears to him to be unfit for work; and may suspend or cancel any license in part or in whole for the same reason.

4. The rates of hire chargeable for work within the limits of the Baroda Cantonment, and without such limits, if hired within those limits, for a period not exceeding 24 hours, or for a service which would ordinarily be performed within 24 hours, shall be in accordance with the rate fixed by the Executive Officer in the license.

5. The proprietor of a donkey shall be bound on demand by the Executive Officer to supply his donkey for Government or Cantonment work.

6. A license may be cancelled or suspended by the Executive Officer should the proprietor of a licensed donkey evade compliance with any demand made under bye-law 5.

7. The proprietor of any donkey whose license has been cancelled under bye-law 3 or 6 shall not use the donkey during such suspension or after such cancellation.

8. Every licensed donkey will be numbered and the discs containing the number shall either be hung on the donkey or kept in the possession of the driver.

9. The load to be carried on a donkey shall not exceed 2 maunds.

10. Any breach of the provisions of these bye-laws shall be punishable with fine which may extend to Rs. 20 and in the case of continu-

ing breach with an additional fine not exceeding five rupees for every day during which such breach continues after conviction for the first such breach.

[Under sections 282 (4) and 283.]

Bye-law No. 11.—*Traffic on streets.*

1. No horse shall be trained or broken in on any public road or street in the Cantonment.

2. No animal shall be ridden or driven and no vehicle shall be driven on any street in a rash or negligent manner or without proper control.

3. No vehicle or animal shall be left on a street without proper control.

4. No person shall—

(a) cause any vehicle with or without an animal harnessed thereto to remain or stand so as to cause obstruction in any street longer than may be necessary for loading or unloading or for taking up or setting down passengers, or

(b) leave or fasten any vehicle or animal so as to cause obstruction in any street, or

(c) expose any article for sale whether upon a booth stall or in any other manner so as to cause obstruction in any street, or

(d) in any other manner wilfully obstruct or cause obstruction to the free passage of any street.

5. No vehicle shall be driven or kept standing on any street at a time or in a manner prohibited by a public notice issued by the Cantonment Authority.

A breach of any of the above bye-laws shall be punishable with a fine which may extend to fifty rupees.

[Under sections 282 (5) and 283.]

Bye-law No. 12.—*Lighting of vehicles.*

No vehicle shall be driven, led or kept standing on any street between sunset and sunrise without a suitable lamp placed on each side thereof. Provided that for bicycles and bullock carts only one lamp shall be necessary.

A breach of this bye-law shall be punishable with a fine which may extend to fifty rupees.

[Under sections 282 (11) and 283.]

Bye-law No. 13.—*Stabling of animals.*

1. No animal shall be tethered on Cantonment land except where permission to do so has been granted by the Executive Officer.

2. No animal shall be tied in dwelling houses except where there is a separate room attached to the house and set apart for the purpose.

3. All stables and enclosures for animals shall be kept clean and all cowdung, urine and rubbish shall be removed by the owners of cattle to such place as will be pointed out by the Executive Officer.

4. A breach of any of the above bye-laws shall be punishable with fine which may extend to one hundred rupees, and in the case of a continuing contravention, with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention.

[Under sections 282 (7) and 283.]

Bye-law No. 14.—*Prevention and extinction of fire.*

1. Except in quantities which are required for ordinary domestic purposes no wood, dry grass, straw, charcoal, dung-cakes or other inflammable materials shall be collected inside the dwelling houses or close to dwelling houses in the Cantonment.

2. No naked light shall be used where fireworks, kerosine oil or any inflammable articles are sold or stored.

3. No inflammable material shall be stored in cook houses or near fire.

4. A breach of any of the above bye-laws shall be punishable with fine which may extend to fifty rupees.

[Under sections 282 (8) and 283.]

Bye-law No. 15.—*Construction of scaffolding for building operations.*

1. Any person in charge of the construction, reconstruction or repair of any building shall be responsible that all scaffolding used in the building operations is sufficiently strong and well assembled to ensure the safety of the general public and of persons working thereon.

2. A breach of the above bye-law shall be punishable with fine which may extend to fifty rupees.

[Under sections 282 (10) and 283.]

Bye-law No. 16.—*Drains of Sewage.*

1. No polluted water or other offensive or obstructive matter shall be deposited in or discharged into any drain for monsoon water.

2. A breach of the above bye-law shall be punishable with fine which may extend to fifty rupees.

[Under sections 282 (12) and 283.]

Bye-law No. 17.—*Disposal of corpses.*

1. No person shall bury or burn any corpse except in the place appointed by the Cantonment Authority.

2. Corpses shall be buried or burnt within 24 hours of death.

3. All graves shall be at least 3 feet apart from one another and six feet deep.

4. A breach of any of the above bye-laws shall be punishable with fine which may extend to fifty rupees.

[Under sections 282 (1) and 283.]

1. The head of every family resident in or on a visit to the Cantonment, and the keeper or person in charge of every lodging house, Dhurumshala, Sarai, Hospital or other similar institution therein, shall within three days of the occurrence of any birth or death in his family or among persons staying in the said premises, report the same personally or by an agent or in writing to the Executive Officer of the Cantonment.

2. The report shall contain the following particulars:—

*A.—Regarding birth.*

Bye-law No. 18.—*Registration of births and deaths.*

1. Date and time of birth.
2. Name (if any) of child.
3. Whether still born.
4. Name of father or mother.
5. Sex.
6. Caste.
7. Profession of parent.
8. Name of Mohalla and number of house.
9. Name of reporter.
10. Signature of recording officer with date.

*B.—Regarding death.*

1. Date and time of death.
2. Name of deceased and name of father, husband or guardian.

3. Sex.
4. Caste and profession.
5. Age.
6. Cause of death attested by a medical practitioner when such practitioner is in attendance.
7. Name of Mohalla and number of house.
8. Name of reporter.
9. Signature of recording officer.

3. (a) Two separate registers shall be kept by the Executive Officer in which particulars aforesaid as to birth or death respectively shall be duly entered within 24 hours of the receipt of the report referred to in bye-law I.

(b) No charge shall be made for the registration of any birth or death.

4. Any person interested in any birth or death may apply for a copy of the entry relating to it and the Executive Officer shall grant him a copy on payment of Re. 1. The copying fees realised under this bye-law shall be credited to the Cantonment Fund.

5. (a) Any clerical error which may at any time be discovered in the registers may be corrected by the Executive Officer. An error of fact or substance in any such registers may be corrected by the Executive Officer by an entry in the margin, without any alteration of the original entry, upon production to the Executive Officer by the person requiring such error to be corrected of a declaration oath setting forth the nature of the error and the true facts of the case made before the District Magistrate by the person required to give information concerning the birth or death with reference to which the error has been made or, in default of such person, by two credible persons having knowledge of the case and certified by the District Magistrate to have been made in his presence.

(b) Except as aforesaid no alteration shall be made in any such register.

6. A breach of the above bye-law No. 1 shall be punishable with fine which may extend to fifty rupees.

(Under sections 119 and 283.)

Bye-law No. 19.—*Registration of dogs.*

1. Every dog over six months old kept within the limits of the Baroda Cantonment shall be registered.

2. In the case of dogs kept by Indian Officers, Warrant Officers, Non-Commissioned Officers and men of the regular forces, the regis-

tration shall be carried out by the Officer Commanding the Regiment, in the other cases by the Executive Officer of the Cantonment Authority.

3. Every owner of a dog which is required to be registered under the preceding bye-laws shall apply to the Registration Authority concerned for registration of such dog within 15 days from the date on which the dog has become liable to registration. The application shall state (1) the size, (2) the colour, (3) the breed (if known) of the dog.

4. Every registered dog shall wear a collar to which shall be attached a metal token.

5. Metal tokens will be issued by the Registration Authority free of charge.

6. Any dog found in any public place shall unless registered and wearing such token be detained in the Cantonment dog kennels or in any other suitable place. The fee charged for such detention shall be four annas per diem. Any such dog shall be liable to be destroyed or otherwise disposed of, unless claimed within one week and the fee paid.

7. Any breach of bye-laws 3 and 4 shall be punishable with a fine which may extend to Rs. 20.

[Under sections 282 (13) and 283.]

Bye-law No. 20.—*Itinerant vendors.*

1. No. itinerant vendor or hawker shall hawk or hire or occupy any street or place for the sale of articles in the Cantonment except after obtaining a written pass from the Executive Officer and on payment of the prescribed fees.

2. The fees charged shall be at the following rates:—

8 annas for a week or under.

1 rupee for more than 7 and less than 15 days.

2 rupees for full months or part thereof exceeding 14 days.

3. A breach of bye-law No. 1 shall be punishable with fine which may extend to twenty rupees.

[Under sections 282 (14) and 283.]

Bye-law No. 21.—*Sarais, washing places, etc.*

1. No public street or open ground within the Cantonment limits shall be used for camping or the holding of fairs, etc., without the sanction of the Cantonment Authority.

2. No Jhoolas, wrestling place, merry-go-rounds or Charkies, etc., shall be put up without the permission of the Cantonment Authority.

3. Washings are only to be made at the places appointed by the Cantonment Authority.

4. (a) Sarais shall be used for travellers only.

(b) No baggage carts, camels, donkeys used for the purpose of carrying goods shall be admitted in the Sarais. These will be parked in the authorised halting place.

(c) All drains, water troughs, cooking-places, latrines, urinals, etc., in sarais must be kept cleaned.

5. (a) The utensils used in hotels, lodging houses and boarding houses must be of aluminium, china earth or any other material approved by the Executive Officer.

(b) All dirty water must be collected in receptacles.

6. No animals of any description shall be kept in hotels, lodging houses, boarding houses, or in refreshment rooms.

7. The fees for permission granted under bye-law 2 will be annas 4 a day.

8. A breach of any of the above bye-laws, shall be punishable with fine which may extend to twenty rupees.

[Under sections 282 (18) and 283.]

Bye-law No. 22.—*Erection of enclosure, etc.*

No enclosure or fence or other temporary structure of whatsoever material or nature shall be erected on any land situated within the Cantonment without the sanction of the Cantonment Authority. A breach of this bye-law shall be punishable with a fine which may extend to fifty rupees, and in the case of a continuing contravention with an additional fine which may extend to Rs. 5 for every day during which such contravention continues after conviction for the first such contravention.

[Under sections 200, 282 (3), 282 (17) and 283.]

Bye-law No. 23.—*Slaughter House.*

1. No animal shall be slaughtered in the Cantonment Slaughter House unless it has been inspected and passed by the Cantonment Sanitary Supervisor.

2. All animals to be slaughtered shall be examined by the Sanitary Supervisor who shall satisfy himself that the animal:—

(i) is fit for use as human food,

(ii) is not diseased or advanced in pregnancy,

(iii) is not very infirm or excessively old, provided that an animal which has met with accident rendering it unfit



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for further work shall not be rejected merely on this account.

3. The Cantonment Sanitary Supervisor shall be on duty at the Cantonment Slaughter House throughout the hour prescribed for slaughter.

4. He shall keep a daily register showing the number and description of animals slaughtered and shall bring a daily abstract of same to the Cantonment Office.

5. The following fees shall be paid for each animal slaughtered:—

Goats, sheep, kids and lambs 2 annas per head.

The fees for animals slaughtered in the Cantonment Slaughter House shall be paid to the Sanitary Supervisor.

On receipt of the fee the latter shall fill up a ticket and counterfoil in the form prescribed and hand the former to the person paying the fee. The counterfoil shall be produced daily in the Cantonment Office with the amounts collected.

6. No one but the butchers their assistants and Cantonment Officers connected with the Cantonment Slaughter House and no dogs shall be allowed to enter the Cantonment Slaughter House. No animal shall be admitted into the Cantonment Slaughter House unless it is intended for immediate slaughter.

7. No person shall slaughter in the Cantonment Slaughter House except at the following hours:—

*Mutton.*

5 A.M.

5-15 A.M.

*Mutton, 1st class.*

7-30 P.M.

7-00 P.M.

8. Immediately after the slaughter of animals the Cantonment Slaughter House shall be carefully washed, cleaned and locked up by the Cantonment Sanitary Supervisor.

9. Every carcass shall after slaughtering, skinning and cleaning be presented for inspection to the Cantonment Sanitary Supervisor and no carcass shall be removed from the Slaughter House until it has been passed by this official as fit for human consumption.

10. Skins, entrails and offal after being properly washed and cleaned shall be removed from the Slaughter House by the butchers.

Any skin, entrail or offal not removed before the time at which the Cantonment Slaughter House is closed for the day will be disposed of by the Sanitary Supervisor by being at once buried in the ground at the appointed place together with blood and other leavings.

11. Meat, entrails and offal shall be removed from the Cantonment Slaughter House in the Cantonment covered carts and the Sanitary Supervisor shall daily inspect these carts and see that they are kept clean and in good order.

12. No meat shall be sold in or near the Slaughter House.

13. The Cantonment Sanitary Supervisor will inspect the surroundings outside the Slaughter House daily and see that they are clean and free from flies.

14. (a) Any carcass or meat considered by the Sanitary Supervisor to be unfit for human consumption will be produced before the Cantonment Executive Officer who will dispose of the same in accordance with section 215, Cantonments Act, 1924.

(b) Any animal which is produced for inspection and is suspected by the Sanitary Supervisor to be suffering from any contagious disease will be isolated by him near the Slaughter House trenching ground and he will make an immediate report to the Cantonment Executive Officer who will act in accordance with section 215, Cantonments Act, 1924.

15. A breach of any of the above bye-laws 1, 7, 9, 11, 12 and 15 shall be punishable with fine which may extend to 50 rupees.

[Under section 282 (16).]

Bye-law No. 24.—*Conditions which may be imposed by licenses granted under section 210.*

Licenses granted under section 210 (a), (c), (e), (f), (g), (h), (m), (n), (o), and (p) of the Cantonments Act, 1924, may contain any conditions which the Cantonment Authority may think fit to impose with respect to the following matters, namely:—

(a) In the case of licenses granted under section 210 (a):—

- (i) the apparatus and coverings to be used in the operations of their trade;
- (ii) the manner in which meat, poultry and game or fish may be exposed for sale.

(b) In the case of licenses granted under section 210 (c):—

- (i) the manner in which such animals may be registered;
- (ii) the number of such animals that may be kept in any one place;
- (iii) the sources from which such animals shall be watered;
- (iv) the segregation of any sick or diseased animals;

- 
- (v) the manner of keeping such animals so as to prevent their becoming a public nuisance or injurious to the public health.
- (c) In the case of licenses granted under section 210 (e):—
- (i) the vessels and apparatus to be used in the operation of their trade;
  - (ii) the manner in which milk, butter or ghi may be prepared and kept for sale; and
  - (iii) the taking of any other measures which the Cantonment Authority may think necessary for maintaining the premises in a clean and sanitary condition.
- (d) In the case of licenses granted under section 210 (f):—
- (i) the apparatus, water, flour and other ingredients used in the operation of their trade;
  - (ii) the measures to be taken to protect all persons employed in such trade from enteric fever and small-pox.
- (e) In the case of licenses granted under section 210 (g):—
- (i) the season at which fruit or vegetables or any specified kind thereof may be sold;
  - (ii) the manner in which fruit and vegetables or any specified kind thereof may be exposed for sale.
- (f) In the case of licenses granted under section 210 (h):—
- (i) the source from which water used in such manufacture shall be taken;
  - (ii) the machines, chemicals and ingredients which may be used in such manufactures;
  - (iii) the measures to be taken in order to ensure the purity of the water used and the cleanliness of all apparatus and receptacles used;
  - (iv) the measures to be taken to protect all persons employed in such manufacture from enteric fever and small-pox.
  - (v) the conditions under which sales shall be permitted.
- (g) In the case of licenses granted under section 210 (m):—
- (i) the quantity which may be kept at any one place;
  - (ii) the precautions against fire to be taken by the dealers or persons in charge of the business.
- (h) In the case of licenses granted under section 210 (n):—
- (i) the quantities in which any such article may be stored or kept for sale;

- (ii) the taking of any measures which the Cantonment Authority may consider necessary for the prevention of danger to life or property.
- (i) In the case of licenses granted under section 210 (o):—
- (i) the taking of measures for regulating the discharge of refuse matter from their premises and for abating any nuisance arising from such premises.
- (j) In the case of licenses granted under section 210 (p):—
- (i) the taking of any measures which the Cantonment Authority may consider necessary for the abatement of any nuisance arising from such premises.

[Under sections 282 (21) and 283.]

Bye-law No. 25.—*Grazing.*

1. All animals which graze on the Cantonment grazing ground shall have to pay the following grazing fees:—

Description of cattle.	Grazing fees from January to June (6) months. per month.	Grazing fees from July to December (6) months. per month.
Buffalo . . . . .	0 4 0	0 8 0
Heifer . . . . .	0 2 0	0 4 0
Cow . . . . .	0 4 0	0 8 0
Calf . . . . .	0 2 0	0 4 0
Bullock . . . . .	0 4 0	0 8 0
Horse, Pony, Donkey . . . . .	0 2 0	0 4 0
Goats and sheep . . . . .	0 2 0	0 2 0

2. All grazing fees for six months from January to June shall be levied monthly and the fees for six months from July to December shall be levied bi-monthly, in advance, at rates sanctioned for the respective periods.

3. No grazing is allowed on the Cantonment grazing ground between sunset and sun-rise.

4. Any cattle found straying or grazing on the Cantonment land without a herdsman and any cattle for which fees have not been paid shall be impounded into the cattle pound of the Cantonment by the grazing chowkidars or any Cantonment servant.

5. Two grazing chowkidars will be appointed by the Cantonment Authority to check the grazing cattle and see that the above rules are enforced.

6. A contravention of any of the above bye-laws shall be punishable with fine which may extend to one hundred rupees and in the case of continuing contravention with an additional fine which may

extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention.

[*Gazette of India*, 1926, Pt. II-A, p. 185.]

# BOMBAY ABKARI ACT, 1878.

## Rules.

*No. 4655, dated the 30th March, 1904.*—1. The Bombay Abkari Act V of 1878, as amended by Bombay Act V of 1901, having been applied to the Cantonment of Baroda, with certain modifications, by the Government of India orders, cited in the margin, the following rules are promulgated for the information and guidance of those concerned, by the Resident at Baroda, under the provisions of the said enactments.

<sup>1</sup> No. 3218-I.A., dated the 16th October, 1896.

<sup>1</sup> No. 4099-I.A., dated the 4th September, 1903, Foreign Department.

2. *Section 5.*—The <sup>2</sup>[Executive Officer], Baroda [Cantonment]<sup>2</sup> is appointed to exercise in the Cantonment of Baroda all the powers and perform all the duties conferred and imposed by that Act on a Collector.

3. The Resident shall personally exercise all the powers of a Commissioner under the Act.

4. *Section 6.*—The <sup>2</sup>[Executive Officer], Baroda [Cantonment]<sup>2</sup> is empowered to confer on the Jamadar of Police in the Cantonment any of the powers or duties enumerated and referred to in sections 36, 37 and 58-A of the Act as he may consider expedient.

5. *Section 9.*—*Bona fide* travellers coming from foreign territory and possessing ganja or bhang or any admixture or preparation thereof in quantities not exceeding two tolas in each case should be exempted from prosecution, unless there is reason to suppose that advantage is being taken of this concession to defraud the revenue.

6. *Section 12.*—Within the local limits of the Baroda Cantonment the following quantities of intoxicating drugs may be transported or removed without a permit:—

Ganja \* \* \* \* or any preparation or Five tolas.  
admixture thereof.

Bhang or any preparation or admixture One-fourth Indian seer or twenty tolas.  
thereof.

7. *Section 14-A.*—The cultivation of hemp in the Cantonment is absolutely prohibited.

<sup>1</sup> See now Notification No. 265-I., dated the 24th April, 1929. Printed, *supra*, p. 21.

<sup>2</sup> Substituted by Notification No. 693-C., dated the 12th January, 1925. *Gazette of India*, 1925, Pt. II-A, p. 41.

<sup>3</sup> Omitted by Notification No. 7563, dated the 29th May, 1928. *Gazette of India*, 1923, Pt. II-A, p. 189.

8. *Section 17.*—The maximum quantity of any intoxicating drug which may be sold by retail at one time or to one and the same person in the aggregate on any one day shall be as follows:—

Ganja <sup>1</sup>\* \* \* or any preparation or admixture thereof. Five tolas.

Bhang or any preparation or admixture thereof. One-fourth Indian seer or twenty tolas.

<sup>2</sup> [9. Duties on ganja and bhang permitted to be imported into the Cantonment of Baroda shall be assimilated to the rates prevailing in the Bombay Presidency.]

10. *Section 27-E.*—The above duties shall be paid before the removal of such drugs from a Bonded or Central Warehouse established in the Presidency of Bombay.

11. The payment of such duty on drugs intended for consumption in the Cantonment of Baroda shall be made in the office of the <sup>3</sup> [Executive Officer, Baroda Cantonment].

12. *Section 30.*—Every license granted for the retail sale of intoxicating drugs shall contain the several particulars and shall contain and be subject to the conditions and restrictions set forth in the Form D and its counterpart.

\*13. Every license granted in accordance with the last preceding rule shall be for a period of 12 months commencing from the 1st April and ending on the 31st March next following the said date.

14. When the security required by the Collector under the Abkari Act is a security bond, such bond must be stamped in accordance with Article 13 of Schedule I of the Stamp Act, 1879.

15. *Section 35.*—Special permits under section 17 of the Bombay Abkari Act may be granted by the <sup>3</sup>[Executive Officer, Baroda Cantonment,] for the retail sale of intoxicating drugs on occasions of marriages, funerals and festivals, in larger quantities than are prescribed under section 17.

16. *Section 58.*—Should any intoxicating drugs be confiscated under the provisions of the Bombay Abkari Act by the <sup>3</sup>[Executive Officer, Baroda Cantonment,] he will, before ordering the sale or destruction thereof, refer the matter for the orders of the Resident.

<sup>1</sup> Omitted by Notification No. 7563, dated the 29th May, 1923. *Gazette of India*, 1923, Pt. II-A, p. 189.

<sup>2</sup> Substituted by ditto.

<sup>3</sup> Substituted by Notification No. 693-C., dated the 12th January, 1925. *Gazette of India*, 1925, Pt. II-A, p. 41.

\* NOTE.—Licenses under the Bombay Abkari Act do not require to be stamped. Counterpart agreements executed under section 31 require a stamp of eight annas under Article 5 (c) of Schedule I of the Indian Stamp Act, 1879.

17. The right to sell intoxicating drugs by retail in the Cantonment of Baroda shall be auctioned every year by the <sup>1</sup> [Executive Officer, Baroda Cantonment].

18. The bids accepted by the <sup>1</sup> [Executive Officer, Baroda Cantonment,] shall be subject to the confirmation of the Resident at Baroda.

19. The retail vendor will have to make his own arrangements to obtain supplies of intoxicating drugs from warehouses in the Bombay Presidency under the rules framed by the Government of Bombay and the Commissioner of Customs, Salt, Opium and Abkari.

20. The licensed vendor desiring to procure intoxicating drugs for retail sale in the Cantonment shall enter in a permit (Form F laid down in the Bombay Rules) the particulars required in the form and present it to the <sup>1</sup> [Executive Officer, Baroda Cantonment]. After the form is filled in by the licensed retail vendor, it will be examined by the <sup>1</sup> [Executive Officer, Baroda Cantonment,] and, if he finds the entries to be correct, he will receive duty on the drugs at the rates prescribed above, and sign the receipt and permit allowing the licensed vendor to import the drug from a warehouse in the Bombay Presidency. The <sup>1</sup> [Executive Officer, Baroda Cantonment,] will detach the third portion of the permit and forward it to the Head police officer in the Cantonment, and will return the duplicate of the permit to the licensed vendor, the counterfoil of the permit duly filled in being at the same time forwarded by post to the officer in charge of the Bonded or Central warehouse from which the drugs are to be removed. The licensed vendor shall then present or send by his servant the said duplicate part of the permit to the warehouse keeper. The warehouse keeper will thereupon compare the entries in the counterfoil of the permit received by him direct from the <sup>1</sup> [Executive Officer, Baroda Cantonment,] with those in the permit presented by the licensee or his servant, and if they agree he will weigh the contents of each package offered for removal and satisfy himself that the quantity of the drug offered for removal does not exceed the quantity entered in the permit allowing removal. He will also calculate the duty payable on the drug presented for removal by the licensed vendor, and will satisfy himself that the correct amount has been levied in the <sup>1</sup> [Executive Officer, Baroda Cantonment,] office. He will then note on the reverse of the receipt and permit all the particulars required to be by him therein entered and will complete and sign the transport permit and allow the drug to pass out of the warehouse.

21. All imports of intoxicating drugs into the Cantonment of Baroda shall be examined on arrival by the <sup>1</sup> [Executive Officer, Baroda Cantonment,] and he shall satisfy himself that the quantity imported

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<sup>1</sup> See footnote 3 on p. 147.

tallies with that entered in the permit issued by him and the transport permit issued by the officer in charge of the warehouse. For the purpose of carrying out the provision of this rule, the <sup>1</sup>[Executive Officer, Baroda Cantonment,] is authorised to issue such orders as he considers necessary to the retail licensed vendor.

22. The <sup>1</sup>[Executive Officer, Baroda Cantonment,] shall see that no intoxicating drug on which duty at the prescribed rates has not been paid is imported into or sold in the Cantonment.

23. The duty paid into the office of the <sup>1</sup>[Executive Officer, Baroda Cantonment,] should be remitted to the Residency Treasury, and a quarterly statement showing the date on which permits are issued, the amount recovered on account of duty, the date on which it is remitted to the Treasury, and the quantity of the drugs imported under the authority of the permits should be submitted to the Resident who will then send it to the Treasury Officer for verification. After verification the Treasury Officer should report that the amount of duty has been correctly received and credited to Government under the proper head.

24. No licenses for the wholesale vend of intoxicating drugs will be granted to any one in the Cantonment of Baroda.

25. The licensed retail vendor in addition to the account alluded to in clause 14 of the license shall submit to the <sup>1</sup>[Executive Officer, Baroda Cantonment,] on the 15th day of every month, an account showing the stocks in hand on the first of the month: the sale day by day with the names of purchasers of more than two tolas of bhang or ganja: and the balance on the last day of the month.

26. The <sup>1</sup>[Executive Officer, Baroda Cantonment,] in accordance with clause 6 of the license for the retail sale of intoxicating drugs in the Cantonment, should take possession of all unsold drugs in the hands of the contractor on the date of the expiration of the license. Should the contractor, however, secure a retail license for the ensuing year, the stocks may be redeemed on payment of the duty prescribed, unless it is shewn that duty at the rate mentioned has already been paid.

27. In the event of the contract being secured by a fresh individual; the <sup>1</sup>[Executive Officer, Baroda Cantonment,] should arrange to sell the drugs to him on payment of the duty and such price on account of cost as the <sup>1</sup>[Executive Officer, Baroda Cantonment,] may deem reasonable. Before accepting the bid of a fresh contractor, the <sup>1</sup>[Executive Officer, Baroda Cantonment,] should give him to understand that he will have to take over the previous stock remaining unsold, but should he refuse to do so, the same may be sent, under the orders of the Resident, to the Commissioner of Customs, Salt, Opium and Abkari, for disposal by sale, the proceeds of which being asked for, so that they

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<sup>1</sup> See footnote 3 on p. 147.



can be either credited to Government in the accounts of the Residency Treasury, or paid to the last contractor after deducting therefrom all expenses incurred in connection therewith.

NOTE.—The above rules have been framed on the lines of those in force in the Presidency of Bombay, but if it is found in the actual working thereof that matters not provided for in them need settlement, they shall be disposed of under the spirit of the Bombay Rules and notifications already in force, and those that may hereafter be issued by the Government of Bombay and the Commissioner of Customs, Salt, Opium and Abkari, Bombay, the object being to place the Cantonment retail shop for intoxicating drugs under conditions identical with those in respect to similar shops in the Presidency of Bombay.

[*Gazette of India*, 1904, Pt. II, p. 812.]

*Prohibition of import of Charas or any preparation and admixture thereof.*

No. 4655, dated the 22nd March, 1923.—In exercise of the powers conferred by section 11 of the Bombay Abkari Act, 1878 (Bombay V of 1878), as amended by Bombay Act XII of 1912 and as applied to the Cantonment of Baroda by the Notification <sup>1</sup> of the Government of India in the Foreign Department, No. 162-I. B., dated the 28th January, 1913, the Resident at Baroda is pleased to prohibit the import of charas or any preparation and admixture thereof into the Cantonment of Baroda with effect from the 1st April 1923.

[*Gazette of India*, 1923, Pt. II, p. 518.]

*Prohibition of the possession of Charas or of any preparation and admixture thereof.*

No. 4656, dated the 22nd March, 1923.—In exercise of the powers conferred by sub-section (2) of section 14 B of the Bombay Abkari Act, 1878 (Bom. V of 1878), as amended by Bombay Act XII of 1912 and as applied to the Cantonment of Baroda by the Notification <sup>1</sup> of the Government of India in the Foreign Department, No. 162-I. B., dated the 28th January, 1913, the Resident at Baroda is pleased to direct that the possession of charas or of any preparation and admixture thereof by any person within the Cantonment of Baroda is prohibited with effect from the 1st April 1923.

[*Gazette of India*, 1923, Pt. II, p. 518.]

*Duty on ganja and bhang.*

No. 1131, dated the 21st January, 1928.—In exercise of the powers conferred by section 19 of the Bombay Abkari Act, 1878 (Bombay V of 1878), as applied to the Cantonment of Baroda, and in supersession

<sup>1</sup> See now Notification No. 265-I., dated the 24th April, 1929. Printed, *supra*, p. 21.

of the Residency Notification No. 17325, dated the 1st November, 1927, the Resident at Baroda is pleased to direct that, with effect from 1st April, 1928, a duty shall be levied on all ganja and bhang imported into the Cantonment of Baroda at the following rates, namely:—

On ganja at Rs. 35 per seer.

On bhang at Rs. 3 per seer.

[*Gazette of India*, 1928, Pt. II-A, p. 21.]

#### BOMBAY DISTRICT POLICE ACT, 1890.

##### *Appointment of Inspector General and of District Superintendent of Police.*

No. 2986, dated the 9th March, 1920.—In exercise of the powers conferred by section 5, sub-section (1), and section 6 of the Bombay District Police Act, 1890 (Bombay Act IV of 1890), as applied to the Cantonment of Baroda by the Notification <sup>1</sup> of the Government of India in the Foreign Department, No. 162-I. B., dated the 28th January, 1913, the Resident at Baroda is pleased to appoint the Inspector General of Police, Bombay Presidency, to be the Inspector General of Police and the District Superintendent of Police, Panch Mahals, to be the District Superintendent of Police for the said Cantonment. Notification No. 8826, dated the 11th June, 1903, is hereby cancelled.

[*Gazette of India*, 1920, Pt. II, p. 497.]

##### *Appointment of Deputy Inspector General of Police.*

No. 8024, dated the 2nd July, 1920.—In exercise of the powers conferred by section 5, sub-section (1), and section 6 of the Bombay District Police Act, 1890 (Bombay Act IV of 1890), as applied to the Cantonment of Baroda by the Notification <sup>1</sup> of the Government of India in the Foreign Department, No. 162-I. B., dated the 28th January, 1913, the Resident at Baroda is pleased to appoint the Deputy Inspector General of Police, Northern Range, to be Deputy Inspector General of Police for the said Cantonment.

[*Gazette of India*, 1920, Pt. II, p. 1364.]

#### BOMBAY PUBLIC CONVEYANCES ACT, 1920.

##### *Application of the part of the Act not previously applied.*

No. 11997, dated the 3rd September, 1921.—In exercise of the powers conferred by the substituted section 1, sub-section (2) of the Bombay Public Conveyances Act (VII of 1920) as applied to the Cantonment of Baroda by the Notification <sup>1</sup> of the Government of India

<sup>1</sup> See now Notification No. 265-I., dated the 24th April, 1929. Printed, *supra*, p. 21.

in the Foreign and Political Department, No. 1159-I. B., dated the 13th April, 1921, the Resident at Baroda is pleased to direct that so much of the modified Act as has not been applied by the above mentioned Notification shall come into force into the said Cantonment on and from the 15th October, 1921.

[*Gazette of India*, 1921, Pt. II, p. 1182.]

*Table of fares for public conveyances.*

No. 19932, dated the 21st December, 1927.—In exercise of the powers conferred by Section 36 of the Bombay Public Conveyances Act, 1920 (VII of 1920), as applied to the Cantonment of Baroda, and in supersession of Notification No. 2204, dated the 4th February, 1922, the Resident at Baroda is pleased to sanction the following table of fares for public conveyances in the Cantonment of Baroda:—

From Camp to	First Class.	Second Class.
	Rs. A.	Rs. A.
1. Baroda Railway Station . . . .	0 8	0 6
2. Goya Gate Railway Station . . . .	1 6	1 0
3. Vishvamitri Railway Station . . . .	1 4	0 15
4. Public Park . . . . .	0 6	0 4
5. City Kothi and Raopura . . . . .	0 8	0 6
6. Dandya Bazar . . . . .	0 9	0 7
7. Mandvi comprising Nazar Bag . . . .	0 15	0 11
8. Gendi Gate (Ohowkhandi) . . . . .	1 0	0 12
9. Champaner Gate (Fatehpura) . . . .	0 15	0 11
10. Pani Gate . . . . .	1 0	0 12
11. Agad . . . . .	1 0	0 12
12. Warachia Parade Ground . . . . .	1 0	0 12
13. Moti Bag and Kevda Bag . . . . .	0 15	0 11
14. Race Course . . . . .	0 12	0 9
15. Bhutdi Zampa . . . . .	0 12	0 9
16. Makarpura . . . . .	2 6	1 12
17. Residency and Rewa Kantha Bungalow .	0 6	0 4
18. Miyamahamad Vadi . . . . .	1 2	0 14
19. For whole day from 7-0 A.M. to 5-0 P.M. .	5 0	3 12

NOTE 1.—Fare for a journey to a place and back is  $1\frac{1}{2}$  times the above fare.

NOTE 2.—For a detention of 15 minutes or less, no charge is to be given; for a longer time detention 3 annas for every  $\frac{1}{4}$  hour will be given for a first class carriage and 2 annas for a second class.

NOTE 3.—If a carriage is brought from a stand and returned unused, two annas will be given to the driver.

NOTE 4.—For a two-wheeled one-ox cart one half of the rate for a first class carriage will be given.

[*Gazette of India*, 1927, Pt. II-A, p. 578.]

**IX.—Orders under Local Laws.**

*Nil.*





## CHAPTER II.—WESTERN INDIA.

The Western India States Agency in the political charge of the Agent to the Governor General in the States of Western India was newly constituted and inaugurated on the 10th October, 1924, prior to which date the States included therein were in political relations with the Bombay Government. It comprises 17 Salute States and three subordinate Political Agencies, each under a Political Officer styled Political Agent.

The following are the seventeen Salute States in direct political relations with the Agent to the Governor General:—

Name of State.	Jurisdiction of Civil Courts.	Jurisdiction of Criminal Courts.
Cutch, Junagadh, Nawanganagar, Bhavnagar, Porbandar, Dhrangadhra, Palanpur, Radhanpur, Morvi, Gondal and Jagrabad. <sup>1</sup>	Unlimited . .	Unrestricted except that the sanction of the Agent to the Governor General in the States of Western India is required to the trial of British subjects for capital offences.
Wankaner, Palitana, Dhrol, Limbdi, Rajkot, Wadhwan.	Unlimited . .	Unrestricted except that the sanction of the Agent to the Governor General in the States of Western India is required to the trial of persons, not subjects of the State for capital offences.

The remaining non-Salute States are comprised in the subordinate Agencies as shown below:—

(A) *Banas Kantha Agency.*

Name of State.	Jurisdiction of Civil Courts.	Jurisdiction of Criminal Courts.
Tharad (and Morwada) . .	Limited to suits the value of Rs. 20,000.	Sentences restricted to seven years' rigorous imprisonment and Rs. 10,000 fine. <sup>2</sup>

<sup>1</sup> Part of the territories of the Nawab of Janjira.

<sup>2</sup> Offences punishable under the following sections of the Indian Penal Code must invariably be committed to the Chief Court of Criminal Justice of the Agency (*see* Kathiawar and Banas Kantha Agencies Criminal Court Rules, *infra*, pp. 314 and 403)—

(a) From States whose jurisdiction is limited to seven years' rigorous imprisonment, etc., cases of offences punishable under sections 302, 303, 304, 307 and 396;

(b) From States whose jurisdiction is limited to three and two years' rigorous imprisonment, etc., cases of offences punishable under sections 194, 195, 225, 302-304, 307, 312-316, 363-373, 376, 392, 395-402 and 412;

as also all cases in which, though the offence is ordinarily within the powers of the State Courts, a sentence within their powers would be inadequate (Circular No. 2 of 1874—Govinden Directory, Vol. I, p. 7).

(A) *Banas Kantha Agency*—contd.

Name of State.	Jurisdiction of Civil Courts.	Jurisdiction of Criminal Courts.
Wao . . . . .	Limited to suits of the value of Rs. 10,000.	Sentences restricted to three years' rigorous imprisonment and Rs. 5,000 fine. <sup>1</sup>
Warahi (Maherban Malek Jorawarkhan Umarghan). <sup>2</sup>	Limited to suits of the value of Rs. 10,000.	Sentences restricted to three years' rigorous imprisonment and Rs. 5,000 fine. <sup>1</sup>
Deodar (Waghela Khanji Anandsinhi), Thara (Waghela Madansinhi Sardarsinhi), Warahi (Azam Malek Muridkhan Rawaji). <sup>2</sup>	Limited to suits of the value of Rs. 500.	Sentences restricted to six months' rigorous imprisonment and Rs. 200 fine.
Deodar (Waghela Himatsinhi Vajesinhi), Tarwada (Thakore Ratansinhi Waghjikhan), Santalpur (Thakore Pravasinhi).	Limited to suits of the value of Rs. 250.	Sentences restricted to one month's rigorous imprisonment and Rs. 50 fine.

(B) *Eastern Kathiawar Agency*.

Name of State.	Jurisdiction of Civil Courts.	Jurisdiction of Criminal Courts.
Lakhtar, Sayla . . . .	Unlimited . . .	Full powers except that the State shall not try persons other than its own subjects, for capital offences and provided that sentences of death will require the confirmation of the Hon'ble the Agent to the Governor General in the States of Western India.
Chuda, Vala . . . . .	Limited to suits of the value of Rs. 20,000.	Sentences restricted to seven years' rigorous imprisonment and Rs. 10,000 fine. <sup>1</sup>
Lathi, Muli, Bajana, Patdi .	Limited to suits of the value of Rs. 10,000.	Sentences restricted to three years' rigorous imprisonment and Rs. 5,000 fine. <sup>1</sup>
Vanod, Vithalgadh . . .	Limited to suits of the value of Rs. 5,000.	Sentences restricted to two years' rigorous imprisonment and Rs. 2,000 fine. <sup>1</sup>
Zainabad, Rajpur, Chotila (Khachar Shri Surag Sadul), <sup>2</sup> Anandpur (Khachar Shri Dada and Nana Jiwa), Anandpur (Khachar Shri Desa Bhoj), and Rai Sankli.	Limited to suits of the value of Rs. 500.	Sentences restricted to three months' rigorous imprisonment and Rs. 200 fine. <sup>3</sup>

<sup>1</sup> See footnote 2 on pre-page.<sup>2</sup> The jurisdictional powers shown against these States are the powers conferred on their respective present chiefs, as a personal distinction.<sup>3</sup> The cases triable by Courts of these States are restricted to those offences which are triable by a third class Magistrate and also those which are punishable under the following sections of the Indian Penal Code:

277, 290, 323, 334, 341, 352, 353, 379, 380, 403 and 426.

(C) *Western Kathiawar Agency.*

Name of State.	Jurisdiction of Civil Courts.	Jurisdiction of Criminal Courts.
Jasdan, Manavadar, Thana-Devli, Vadia, <sup>1</sup> Virpur. <sup>1</sup>	Limited to suits of the value of Rs. 20,000.	Sentences restricted to seven years' rigorous imprisonment and Rs. 10,000 fine. <sup>2</sup>
Malia, Kotda-Sangani, Jetpur-Pithadia (D. S. Mulu Surag), Jetpur-Bilkha (D. S. Vala Ravat Ram). <sup>3</sup>	Limited to suits of the value of Rs. 10,000.	Sentences restricted to three years' rigorous imprisonment and Rs. 5,000 fine. <sup>3</sup>
Jalia-Dewani, Kotharia Gavridad, Pal, Lodhika (Jodeja Shri Mulwaji), Lodhika (Jadeja Shri Vijayasinhi), Gadhka, Mengani, Jetpur (V. S. Bhabhabhai Unad), Vasavad (several shareholders), Bantwa (K. S. Sherbulandkhanji), Sardargadh (K. S. Husseinavarkhanji), Hadala Bagasra (V. S. Vajsur Valera) Barwala (V. S. Bhan Desa), Shahpur, Khari-Bagasra (V. S. Ram Harsur), <sup>1</sup> Bagasra (V. S. Ram Mulu), <sup>1</sup> Bagasra (V. S. Vira Mulu) <sup>4</sup> Jetpur-Anida (K. S. Jethsur and Mansur Punja), Khirasra.	Limited to suits of the value of Rs. 5,000.	Sentences restricted to two years' rigorous imprisonment and Rs. 2,000 fine. <sup>2</sup>
Bhadwa, Rajpura, Jetpur (V. S. Champraj Jasa), Jetpur-Chital (V. S. Unad Rana), Jetpur-Sanala (V. S. Giga Hipa), Jetpur-Chital (V. S. Bhaya Nathu), Jetpur-Menderda (V. S. Naja Mansia), Kotda Pitha (several shareholders), Mayapadar (V. S. Desa Na), <sup>1</sup> Jetpur-Khijadia (V. S. Valera Raning), Jetpur-Mendara (K. S. Amra Moka), Jetpur (V. S. Ebhal Vajsur), <sup>1</sup> and Jetpur (V. S. Harsur Vajsur). <sup>1</sup>	Limited to suits of the value of Rs. 500.	Sentences restricted to three months' rigorous imprisonment and Rs. 200 fine. <sup>4</sup>

In all these States, the Political authorities concerned possess the jurisdiction always vested in the Paramount Power in criminal matters relating to British subjects, Europeans and Americans and Government servants.

But they possess further residuary jurisdiction in the different States as shown in foot-note 3 *infra*.

<sup>1</sup> See footnote 2 on pre-page.

<sup>2</sup> See footnote 2 on p. 153.

<sup>3</sup> He also exercises similar jurisdiction over the Ala Vala group of estates as a personal distinction.

<sup>4</sup> See footnote 3 on pre-page.



In the non-Jurisdictional Talukas of which there are 138 in Kathiawar and 37 in Banas Kantha, jurisdiction vests entirely in the British Government, represented by the Political authorities. The Talukas are grouped (often along with minor jurisdictional States) into Circles (Thanas) in the charge of Thandars, under the orders of the Deputy Political Agent of the Agency concerned.

The Administered Areas <sup>1</sup> are:—

Rajkot Civil Station,

Wadhwan Civil Station.

The various Railways are included in the Western Division of Railways in the classification in Volume VIII.

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<sup>1</sup> Jetalsar was restored to His Highness the Maharaja of Gondal, and ceased to be a Civil Station, with effect from the 31st March, 1929, *see* Notification No. 186-I., dated the 2nd April, 1929. *Gazette of India*, 1929, Pt. I, p. 416.

STATES IN THE WESTERN INDIA STATES AGENCY.

The following British enactments are in force in the States in the Western India States Agency:—

I.—Statutes.<sup>1</sup>

II.—Acts of the Governor General in Council and of the Indian Legislature.—*See* Appendix II.

III.—Orders under Statutes.—*See infra*, page 158.

IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.—*See infra*, pages 161 to 173.

V.—Orders relating to Courts.—*See infra*, pages 175 to 183.

VI.—Special Laws.—*See infra*, pages 185—479.

VII.—Orders under Special Laws.—*See infra*, pages 481 to 484.

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<sup>1</sup> Not enumerated. *See* Preface to this edition, paragraph 4.

### III.—Orders under Statutes.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—  
Printed in Appendix I. 53 & 54 Vict,  
c. 37.

#### *Delegation of powers under the Indian (Foreign Jurisdiction) Order in Council to the Agent to the Governor General.*

No. 472-I., dated the 3rd October, 1924.—In exercise of the powers conferred by Article 3 of the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to delegate to the Agent to the Governor General in the Western India States Agency, the power to make rules and orders within the places set forth in the schedule hereto annexed, which is conferred on the Governor General in Council by Article 4 of the said Order in Council:

Provided that the exercise of the powers hereby delegated shall be subject to the control of the Governor General in Council:

Provided also, that nothing in this notification shall be deemed to preclude the Governor General in Council from exercising any power hereby delegated.

2. The notification of the Government of India in the Foreign Department, No. 2859-I. A., dated the 19th June, 1903, to the extent of its application to places set forth in the schedule to this Notification, is hereby cancelled.

#### *The Schedule.*

Names and description of place in which power and jurisdiction is exercisable.	Political Agency in which included.
The Estates under the Paliad Thana, viz., Paliad, Matra-Timba, Bharejda, Sudamada-Dhandhalpur and Sejakhpur.	Kathiawar.
The Estate of Jinjhuvada under the Jhinjhuvada Thana.	Do.
The Estates under the Lakhapadar Thana, viz., Kaner, Kathrotda, Khijadia-Najani, Garamli-Moti, Garamli-Nani, Gadhia, Charkha, Dholerva, Manavav, Lakhapadar, Monvel, Vekaria, Vaghavdi, Halarai, Silana, Dahida and Gigasaran.	Do.
These portions of the Estates under the Bagasra Thana which have been transferred to the Lakhapadar Thana.	Do.
The Estates under the Dhrapna Thana, viz., Dhrapna, Sato-dad-Vavdi, Mulila-Deri and Amrapur.	Do.
The Estates under the Lodhika Thana, viz., Sisang, Chandli Virva, Khankhasiali, Lodhika, Mahuwa, Kotda, Nayani, Kanpur, Ishwaria and Baldhoi.	Do.
The Estates under the Babra Thana, viz., Babra, Janbai-ni-Derdi, Randhia, Akadia, Nilvala, Knijadia, Bildi and Kamadia.	Do.

Names and description of place in which power and jurisdiction is exercisable.	Political Agency in which included.
The Estates under the former Songadh Thana, viz., Limbda, Vaydi-Dharwala, Bhojawadar, Samadhiala Chhabhadia, Khijadia (Dosaji), Gadhula, Katodia (Vachhani), Songadh (Vachhani), Panchavda (Vachhani), Toda (Vachhani), Vardi (Vachhani), Chamardi (Vachhani), Pachegam (Dewani), Chitravav (Dewani), Ramanka (Dewani), Vadod (Dewani), Alampur (Dewani), Dhola (Dewani), Gadhali, Samadhiala and Ratanpur-Dhamanka.	Kathiawar.
The Estates under the Chok-Datha Thana, viz., the Estates of Datha, Aiyavej, Ranigam, Chok Morohopna, Gandhol, Jalia (Amrari), Rohisala, Pah, Bodaneness, Sevdivadar, Sanala, Samadhiala, Rajpara, Siroda, Vejaneness, Vadali, Dedrda, Jalia (Manaji), Kanjharda, Bhandaria, Sataneness and Junapadar.	Do.
Theutch State . . . . .	Cutch.
The First Class States of Junagadh, Navanagar, Bhavnagar, Porbandar, Dhrangadhra, Morvi, Gondal and Jafrabad.	Kathiawar.
The Second Class States of Wankaner, Palitana, Dhrol, Limbdi, Rajkot and Wadhwan.	Do.
The Third Class States of Lakhtar, Sayala, Chuda, Vala, Jasadn, Manawadar, Thana, Devli and Vadia.	Do.
The Fourth Class States of Lathi, Muli, Bajana, Virpur, Malia, Kotda-Sangani, Jetpur, Jetpur-Bilkha and Patdi.	Do.
The Fifth Class States of Jalia-Dewani, Kotharia, Gavridad, Pal, Lodhika, Gadhka, Mengni, Jetpur, Jetpur-Bilkha, Vanod, Vasawad, Sardargadh, Bantwa, Hadala, Vithalgadh and Jetpur-Bilkha (Barvala).	Do.
The Sixth Class States of Rajpur, Bagasra, Khijadhia-Jetpur, Dedan, Shahpur, Bhadwa, Bhoika, Vadod, Rajpara, Jetpur, Jetpur-Chital, Jetpur-Mendarda, Jetpur, Navania, Kotda-Pitha, Dasada, Chotila, Anandpur Rai-Sankli, Kuba, Vankia-Jetpur, Jetpur-Chital, Jetpur (Sanala), Itaria and Khambala.	Do.
The Seventh Class States of Khirasra, Vadali and Sitapur (Kariana).	Do.
<sup>1</sup> [The Civil Stations of Rajkot and Wadhwan] . . . .	Do.
The territories of the shareholders of Vichhavad Estate . . .	Do.
The Estates under the Wadhwan District Thana, viz., Kesaria, Vana, Dudrej, Kherali Munjpar, Gundiali, Devalia, Bhalala, Talsana, Palali, Bhathan, Tavi, Bhadwana, Jhamar, Jhampodad and Laliad.	Do.
The Estates under the Chotila Thana, viz., Chotila Bhimora, Chobari, Anandpur, Bamanbor, Mewada and Ramparda.	Do.
The Estate of Dasada under the Dasada Thana . . . .	Do.
The Estates under the Bhoika Thana, viz., Samla, Ankewalia, Bhalgamda, Bhoika, Untadi, Jhankhan, Kambhlay, Gedi, Karol, Sanka, Kantharia, Darod, Kalampur, Khandia, Chandia, Chachana, Chhalala, Karmad and Vanala.	Do.
The First Class States of Palanpur and Radhanpur . . .	Palanpur.
The Third Class States of Tharad and Morwada . . . .	Do.
The Fourth Class State of Wao . . . . .	Do.

<sup>1</sup> Substituted by Notification No. 187-I., dated the 2nd April, 1929. *Gazette of India*, 1929, Pt. I, p. 416.

Names and description of place in which power and jurisdiction is exercisable.	Political Agency in which included.
<sup>1</sup> [The State of Malek Jorawarkhanji of Varahi] . . . The Territories of the Talukdars of Deodar, <sup>1</sup> * * * the Talukdars of Thara, <sup>1</sup> [Malekmuridkhanji of Varahi] of the Talukdars of Santalpur and Adesar and of the Taluk- dars of Terwada and Suigam.	Palanpur. Do.
The Estates under the Thana Circles of Deodar, * * <sup>1</sup> , Varahi Kankrej, and Santalpur.	Do.
[Gazette of India, Extraordinary, 1924, p. 362.]	

*No. 580-D., dated the 26th January, 1917.*—(Jurisdiction of High <sup>5 & 6</sup> Geo. V.,  
Courts over European British subjects.)—Printed in Appendix IV. <sup>c. 61.</sup>

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<sup>1</sup> Substituted and omitted by Notification No. 34, dated the 12th May, 1925.  
*W. I. S. Agency Gazette*, p. 122.

**IV.—Orders under Acts of the Governor General in  
Council and of the Indian Legislature.**

**BOMBAY LAND CUSTOMS ACT, 1857.**

*Customs Stations and routes for passage of goods by land between  
Kathiawar States and British India.*

No. 9295/24, dated the 28th November, 1927.—In exercise of the powers conferred by section 4 of the Bombay Land Customs Act, 1857 (XXIX of 1857), and in supersession of his Notification in the Revenue Department, No. 9295/24, dated the 5th July, 1927, the Governor in Council is pleased to establish Customs Stations at the undermentioned places for the levy of duties of Customs on goods imported by land from the Indian States of Kathiawar into British India, namely:—

- (1) Viramgam Customs House.
- (2) Ranpur Naka.
- (3) Kundli Naka.
- (4) Salingpur Naka.
- (5) Dhandhuka Customs House.
- (6) Gundi Naka.
- (7) Shahpur Naka.
- (8) Thori Naka.
- (9) Gorla Naka.

Nothing in this Notification in so far as it relates to the levy of duties of customs shall be held to apply:—

- (1) to goods imported at the port of Bhavnagar and
- (2) to goods which are the produce of Kathiawar.

[W. I. S. Agency Gazette, 1927, p. 394.]

No. 9295 (a)/24, dated the 28th November, 1927.—In exercise of the powers conferred by section 6 of the Bombay Land Customs Act, 1857 (XXIX of 1857), and in supersession of his Notification in the Revenue Department, No. 9295 (a)/24, dated the 5th July, 1927, the Governor in Council is pleased to prescribe—

- (a) the undermentioned as the only routes by which goods will be allowed to pass by rail out of the Indian States of Kathiawar into British India, namely:—

- (1) through Viramgam Railway Station,

- (2) through Ranpur Railway Station,
- (3) through Kundli Railway Station,
- (4) through Salingpur Road Railway Station,
- (5) through Dhandhuka Road Railway Station;
- (b) the undermentioned as the only routes by which goods that are liable to duty will be allowed to pass by road out of the Indian States of Kathiawar into British India, namely:—
  - (1) *Viâ* Viramgam Customs House,
  - (2) *Viâ* Ranpur Naka,
  - (3) *Viâ* Kundli Naka,
  - (4) *Viâ* Salingpur Naka,
  - (5) *Viâ* Dhandhuka Customs House,
  - (6) *Viâ* Gundi Naka,
  - (7) *Viâ* Shahapur Naka,
  - (8) *Viâ* Thori Naka.
  - (9) *Viâ* Gorla Naka.

[*W. I. S. Agency Gazette*, 1927, p. 395.]

#### INDIAN DIVORCE ACT, 1869.

*Judicial Commissioner in the Western India States Agency appointed District Judge.*

*No. 474-I., dated the 3rd October, 1924.*—In exercise of the powers conferred by clause (2) of section 3 of the Indian Divorce Act IV of 1869 and in supersession of the Notification of the Government of India in the Foreign Department, No. 2017-I., dated the 15th June, 1886, the Governor General in Council is pleased to appoint the Judicial Commissioner in the Western India States Agency to be a District Judge for the purposes of the said Act in all places within the said States.

[*Gazette of India, Extraordinary*, 1924, p. 363.]

#### COURT-FEES ACT, 1870.

*Service of processes of certain Courts in Indian States by Courts in Bombay Presidency, free of charge.*

*No. 3287, dated the 25th June, 1888.*—The following rules framed by the Hon'ble the Chief Justice and Judges of the High Court under sections 20 and 22 of the Court-fees Act VII of 1870, confirmed by

the Government of Bombay and sanctioned by the Governor General of India in Council are published for general information.

\* \* \* \* \*

XIV. Processes issued by Courts in Berar, Mysore, or by any of the Courts mentioned in the Government of India's Notification No. 868-I., dated the 13th March, 1881, published at page 419 of the Bombay Government Gazette for 1885, Part I, to which the provisions of section 650-A of the Code of Civil Procedure have been applied<sup>1</sup> shall be served free of charge by the Courts in the Bombay Presidency.

#### INDIAN CHRISTIAN MARRIAGE ACT, 1872.

*Appointment of Marriage Registrars. Certificates of Marriage to be sent to the Agent to the Governor General.*

No. 88, dated the 29th September, 1928.—In supersession of Agency Notification No. 50 of 1928 and in exercise of the powers delegated to him by the Government of India, Foreign and Political Department, Notification No. 493-I., dated the 24th August, 1928, the Agent to the Governor General in the States of Western India is pleased under section 8 of the Indian Christian Marriage Act (Act XV of 1872), to appoint the officers for the time being holding the offices named in the first column of the Schedule hereto annexed and being Christians, to be Marriage Registrars in respect of the States and areas shown in column 2 of the said Schedule. |

2. The Marriage Registrars shall send the certificates mentioned in section 54 of the said Act to the Agent to the Governor General.

#### Schedule.

Name of Office.	Areas.
1	2
Political Agent, Banas Kantha Agency.	The States of Palanpur and Radhanpur and the Banas Kantha Agency.
Political Agent, Western Kathiawar Agency.	The States of Junagadh, Nawanagar, Porbandar, Morvi, Gondal, Wankaner, Dhrol, Rajkot, Jafraabad and the Western Kathiawar Agency.
Political Agent, Eastern Kathiawar Agency.	The States of Bhavnagar, Dhrangadhra, Palitana, Limbdi and Wadhwan and the Eastern Kathiawar Agency.
Secretary to the Hon'ble the Agent to the Governor General.	The State of Cutch.
Officer-in-charge, Rajkot Civil Station.	Rajkot Civil Station.

[W. I. S. Agency Gazette, 1928, p. 270.]

<sup>1</sup> The list of courts which is not reproduced here includes the Courts of the Western India States Agency.



*Fees and Rules.*

No. 89, dated the 29th September, 1928.—In exercise of the powers delegated to him by the Government of India, Foreign and Political Department, Notification No. 493-I., dated the 24th August, 1928, the Agent to the Governor General in the States of Western India is pleased in pursuance of the powers conferred by sections 82 and 84 of the Indian Christian Marriage Act (XV of 1872), to fix the following scale of fees to be charged under the Act, and to make the following rules in regard to the disposal of such fees:—

*I.—Scale of fees.*

	Rs.	A.	P.
1. For receiving each notice of marriage . . . . .	1	0	0
2. For publishing each notice of marriage . . . . .	2	0	0
3. For the issuing of each certificate of marriage by a Marriage Registrar . . . . .	5	0	0
4. For registering each marriage by a Marriage Registrar . . . . .	3	0	0
5. For entering each protest against, or prohibition of, the issue of a marriage certificate by a Marriage Registrar . . . . .	10	0	0
6. For searching marriage register-books, or certificates, or duplicates or copies thereof, for a period of not more than one year, or, in the case of a search of the register-books or certificates prescribed under sections 37, 61 and 62, for a period of not more than two years . . . . .	1	0	0
7. For every additional year . . . . .	0	4	0
8. For granting a copy of any entry in marriage register-books or certificates or duplicates or copies thereof under sections 63 and 79 . . . . .	1	0	0

*II.—Rules.*

I. The fees prescribed in the above scale shall be credited as follows:—

- (a) When the party paying the fees resides in a Civil Station or Thana Circle, to the Consolidated Local Fund, Kathiawar, or the Banas Kantha Agency Local Fund as the case may be;
- (b) When the party paying the fees resides in Railway limits or in an Indian State, to Central Revenues.

II. The fees chargeable under the first part of this Notification shall not be levied when the parties concerned are officers or others in the Military or Naval services of His Majesty.

III. Marriage Registrars are authorised to remit any portion not exceeding three-fourths of the fees in cases in which they consider the parties unable to pay such fees in full.

*Delegation of powers to the Agent to the Governor General.*

No. 493-I., dated the 24th August, 1928.—In pursuance of sub-section (2) of section 86 of the Indian Christian Marriage Act, 1872 (XV of 1872), and in supersession of the notification of the Government of India in the Foreign and Political Department No. 482-I., dated the 3rd October, 1924, the Governor General in Council is pleased to delegate to the Agent to the Governor General in Western India States Agency the powers and functions exercisable within the said States by the Governor General in Council under sections 6, 8, 9, 47, 48, 56 and 84 of the said Act.

[*Gazette of India*, 1928, Pt. I, p. 754, and IV. I. S. Agency Gazette, 1928, p. 262.]

SEA CUSTOMS ACT, 1878.

*Bhavnagar Ports declared British Indian Ports.*

No. 1180, dated the 26th June, 1866.—Under the provisions of section 12 of Act VI of 1863<sup>1</sup> and in exercise of the power and authority therein reserved, the Governor General in Council is pleased to declare the ports of His Highness the Thakur<sup>2</sup> of Bhavnagar \* \* \* \* to be British Indian Ports for the purposes of section 18, section 141 and sections 149 to 160 of the same Act in so far as the said sections or any of them are capable of being applied with respect to such ports.

[*Gazette of India*, 1866, Pt. I, p. 908.]

*Exemption of goods from export and import duties under certain conditions.*

No. 67, dated the 16th July, 1927.—In exercise of the power conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to exempt all goods exported from any customs-port to any port in Kathiawar from any export duty leviable thereon under the Indian Tariff Act, 1894 (VIII of 1894), or under any other Act for the time being in force; and to exempt from any import duty leviable thereon under the Indian Tariff Act, 1894 (VIII of 1894), any goods <sup>3</sup>[other than opium, salt and spirit, imported] into a customs port from any such port which are proved to the satisfaction

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<sup>1</sup> See now Act VIII of 1878 by section 2 of which the notification is kept in force.

<sup>2</sup> Now Maharaja.

<sup>3</sup> Substituted by Notification No. 94, dated the 1st October, 1927.—*Gazette of India*, 1927, Pt. I, p. 926

of the Customs-collector (a) to have been produced <sup>1</sup>[or manufactured] in Kathiawar or (b) to have been imported into Kathiawar by land from British India <sup>1</sup>[or (c) to have been produced or manufactured in any place in India outside Kathiawar and imported into Kathiawar by sea].

[*Gazette of India*, 1927, Pt. I, p. 758.]

*Cutch Ports declared as Foreign Ports.*

No. 77, dated the 7th May, 1879.—In exercise of the power conferred by section 49 (b) of the Sea Customs Act, 1878, the Governor General in Council is pleased to prohibit the payment of drawback upon the re-exportation of goods to any of the undermentioned foreign ports in India; and in exercise of the powers conferred by section 134 of the said Act, the Governor General in Council is also pleased to prohibit at all Customs Ports the transshipment of goods liable to customs duties on importation when such goods are destined for any of the said foreign ports in India; and in exercise of the power conferred by section 111 of the said Act, the Governor General in Council is further pleased to prohibit the shipment for exportation to any of the said foreign ports in India of warehoused goods in respect of which payment of drawback and transshipment are hereby prohibited under sections 49 and 134 of the said Act, respectively.

List of the foreign ports to which this notification applies :—

*In Cutch—*

Jakhavu.	Mundra.
Koteshur.	Rohar.
Lakhpat.	Tuna.
Mandvi.	

*In Kathiawar—*

[*Gazette of India*, 1879, Pt. I, p. 344.]

INDIAN ARMS ACT, 1878.

*Exemption of certain persons in Indian States from certain prohibitions and directions contained in the Act. Rules regarding the export of arms and ammunition from, and their import into, British India.*

No. 829-I.-22, dated the 3rd November, 1923.—(The Indian Arms Rules, 1924.)—Printed in Appendix XXIII.

<sup>1</sup> Inserted by Notification No. 9, dated the 18th February, 1928.—*Gazette of India*, 1928, Pt. I, p. 298.

<sup>2</sup> Deleted by Notification No. 4801, dated the 15th June, 1918.—*Gazette of India*, 1918, Pt. I, p. 928.

*Persons exempted in the Western India States.*

No. 22, dated the 28th March, 1929.—With reference to entry 2 (a) in Schedule I to the Indian Arms Rules, 1924, the Hon'ble the Agent to the Governor General in the States of Western India is pleased to direct that the Ruling Chiefs of the States and Talukas in the Western India States Agency named in the List 'C' shall be deemed to be exempt within the meaning of the said Schedule and subject to the conditions and limitations contained therein.

*List 'C'.*

(Not re-printed.)

[W. I. S. Agency Gazette, 1929, p. 80.]

No. 23, dated the 28th March, 1929.—With reference to entry 2 (a) in Schedule I to the Indian Arms Rules, 1924, the Hon'ble the Agent to the Governor General in the States of Western India is pleased to direct that the Jurisdictional Talukdars of the Talukas and Estates in the Western India States Agency named in the List 'D' shall be deemed to be exempt within the meaning of the said Schedule to the extent of the four arms specified below and subject to the conditions and limitations contained therein:—

1 Rifle.

1 Sword.

1 Shot gun.

1 Jamaiya.

*List 'D'.*

(Not re-printed.)

[W. I. S. Agency Gazette, 1929, p. 81.]

No. 21, dated the 28th March, 1929.—With reference to entry 2 (b) in Schedule I to the Indian Arms Rules, 1924, the Hon'ble the Agent to the Governor General in the States of Western India is pleased to direct that members of the families of Ruling Princes, and nobles and officials of the States in the Western India States Agency named in column (2) of the List 'B' shall be deemed to be exempt within the meaning of the said Schedule and subject to the conditions and limitations contained therein.

2. Agency Notification No. 46, dated the 12th June, 1928, is hereby cancelled.

*List 'B'.*

(Not re-printed.)

[W. I. S. Agency Gazette, 1929, p. 79.]

*No. 24, dated the 28th March, 1929.*—With reference to entry 2 (b) in Schedule I to the Indian Arms Rules, 1924, the Hon'ble the Agent to the Governor General in the States of Western India is pleased to direct that the heirs-apparent of the States, Talukas and Estates in the Western India States Agency, who are over 16 years of age, named in column (2) of the List 'E' shall be deemed to be exempt within the meaning of the said Schedule to the extent of the four arms specified below and subject to the conditions and limitations contained therein:—

- |             |            |
|-------------|------------|
| 1 Rifle.    | 1 Sword.   |
| 1 Shot gun. | 1 Jamaiya. |

*List 'E'.*

(Not re-printed.)

[*W. I. S. Agency Gazette*, 1929, p. 82.]

#### BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886.

*Appointment of (a) Registrars of Births and Deaths, (b) Registrar-General, Bombay, to be Registrar-General.*

*No. 481-I., dated the 3rd October, 1924.*—In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration Act, 1886 (VI of 1886), the Governor-General in Council is pleased to appoint the persons for the time being holding the offices specified in the first column of the annexed Schedule to be Registrars of Births and Deaths for the areas specified in the corresponding entry in the second column thereof, in respect of the classes of persons mentioned in clause (b), of sub-section (1), of section 11, of the said Act.

#### *Schedule.*

Offices.	Local areas.
<i>Kathiawar.</i>	
1. The Political Agent in Eastern Kathiawar States.	The States within his charge.
2. The Political Agent in Western Kathiawar States.	Ditto.
<i>Palanpur.</i>	
* * * *	* * *
1. The Political Agent, Palanpur	The States within his charge.
<i>Cutch.</i>	
1. The Agent to the Governor-General in Western India States Agency.	The Cutch States.

<sup>1</sup> Omitted and re-numbered by Notification No. 383-I., dated the 11th June, 1928.—*Gazette of India*, 1928, Pt. I, p. 571.

2. For the purposes of sub-section (2) of section 24, and of section 32 of the said Act, the Governor General in Council is further pleased to appoint the Registrar-General of Births, Deaths and Marriages for the Presidency of Bombay, for the time being, to be the Registrar-General for the areas specified in the foregoing Schedule.

3. The notification of the Government of India in the Foreign Department No. 4227-I., dated the 31st October, 1889, to the extent of its application to the areas specified in the foregoing Schedule, is hereby cancelled.

[*Gazette of India, Extraordinary, 1924, p. 387.*]

*Rules and fees.*

No. 1173, dated the 19th July, 1888.—Printed in Appendix VI.

INDIAN TARIFF ACT, 1894.

*Territory of Indian States in Kathiawar declared to be foreign territory for the purposes of section 5.*

No. 296-T. (7), dated the 4th July, 1927.—In exercise of the powers conferred by section 5 of the Indian Tariff Act, 1894 (VIII of 1894), the Governor General in Council is pleased to declare the territory of Indian States in Kathiawar, hereinafter referred to as “the said territory” to be foreign territory for the purposes of the said section, and to direct that a duty of customs at the rate prescribed by or under the said Act in respect of any article, when imported into a port in British India shall be leviable on any such article when imported by land from the said territory.

Provided that such duty shall not be leviable on:—

- (a) any article which is proved to the satisfaction of the officer of land customs to have been imported by sea into the Port of Bhavnagar and to have been cleared there on payment of duty at the same rate as is prescribed by or under the said Act for a similar article imported into any port to which the said Act applies; or
- (b) any article which is proved to the satisfaction of such officer to have been produced [or manufactured]<sup>1</sup> in the said territory.

[*Gazette of India, Extraordinary, 1927, p. 136.*]

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<sup>1</sup> Inserted by Notification No. 296-T. (13), dated the 18th February, 1929.—*Gazette of India, 1928, Pt. I, p. 296.*

INDIAN FOREIGN MARRIAGE ACT, 1903.

*Fees and Rules.*

No. 341, dated the 11th August, 1904.—Printed in Appendix VII.

INDIAN EXTRADITION ACT, 1903.

*Offences under the Criminal Tribes Act declared to be extradition offences.*

No. 4806-I. B., dated the 17th November, 1919.—Printed in Appendix VIII.

*Desertion from certain units of Indian State Forces declared to be an extradition offence.*

No. 405-I., dated the 20th June, 1928.—Printed in Appendix VIII.

*Rules under the Act except in areas under British jurisdiction.*

No. 1862-I-A., dated the 13th May, 1904.—Printed in Appendix VIII.

INDIAN LUNACY ACT, 1912.

*Reception and detention in asylums in British India of lunatics from Western India States.*

<sup>1</sup>No. 568-G., dated the 10th March, 1920.—In exercise of the powers conferred by section 99 of the Indian Lunacy Act, 1912 (IV of 1912), the Governor General in Council is pleased to make the following rules, regulating the procedure for the reception and detention in asylums in British India of lunatics whose reception and detention are provided for by section 98 of the said Act.

1. All costs involved by the detention of any lunatic, who is a subject of a State in India, shall be chargeable to the State concerned.

2. In the event of non-payment of sums due under the preceding rule on account of the detention of any lunatic, such lunatic shall be liable to discharge from the asylum, if three of the visitors of the asylum by order in writing so direct.

3. Lunatics detained under these rules, who are subjects of any of the States mentioned in the first column of the following Table, may be detained in the asylum, or one of the asylums, mentioned opposite thereto in the second column.

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<sup>1</sup> Cf. Notification No. 567-G., dated the 10th March, 1920, *infra*, p. 197.

STATES IN THE WESTERN INDIA STATES AGENCY.—(IV.—Orders 171  
under Acts of the Governor General in Council and of the  
Indian Legislature.)

Table.

Name of State.	Name of Asylum.
<b>BOMBAY PRESIDENCY.</b>	
Junagadh . . . . .	
Wankaner . . . . .	
Palitana . . . . .	
Wadhwan . . . . .	
Chuda . . . . .	
Vala . . . . .	
Jasdan . . . . .	
Bantwa . . . . .	
Manawadar . . . . .	
Vanod . . . . .	
Vithalgadh . . . . .	
Dasada (Malik Zainkhanji) . . . . .	
Raipur . . . . .	
Raisankli . . . . .	
Estate of H. S. Hussein Yarisar Khanji . . . . .	
"    Vala Ram Ala . . . . .	
"    Vala Vajsur Valera . . . . .	
"    Vala Bhan Desa . . . . .	
"    Vala Bhan Desa . . . . .	
"    Vala Jethsur Punja . . . . .	
"    Kotila Umad Bham . . . . .	
"    Kotila Jaitmal Champraj . . . . .	
"    Vala Champraj Jasa . . . . .	Lunatic Asylum at Ahmedabad.
"    Vala Bhima Valera . . . . .	
"    Amra Vala of Lemi . . . . .	
"    Vala Manasia Nag . . . . .	
"    Kuba . . . . .	
"    Vala Giga Hipa of Sanala . . . . .	
"    Vala Rukhad Loma . . . . .	
Jalia Dewani . . . . .	
Kotharia . . . . .	
Gavridad . . . . .	
Pal . . . . .	
Lodhika Dansinhji . . . . .	
Lodhika Ratansingji . . . . .	
Gadhka . . . . .	
Mengui . . . . .	
Shahpur . . . . .	
Bhadwa . . . . .	
Rajpura . . . . .	
Jiva Mesur of Anandpur . . . . .	
Desa Bhoj of Anandpur . . . . .	
Surag Sadul of Chhotila . . . . .	
Khirasara . . . . .	
Vankia . . . . .	
Sitapur . . . . .	
Talukdars of Kotda Pitha . . . . .	

[Gazette of India, 1920, Pt. I, p. 491.]

OFFICIAL TRUSTEES ACT, 1913.

*Inclusion of States in the Presidency of Bombay for purposes of the Act.*

No. 1450-D., dated the 19th March, 1914.—Printed in Appendix  
XII.

<sup>1</sup> Omitted by Notification No. 1282—479-Gen., dated the 16th May, 1922.—  
Gazette of India, 1922, Pt. I, p. 595.



**172 STATES IN THE WESTERN INDIA STATES AGENCY.—(IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.)**

**ADMINISTRATOR GENERAL'S ACT, 1913.**

*Inclusion of States in the Presidency of Bombay for purposes of the Act.*

*No. 1449-D., dated the 19th March, 1914.—Printed in Appendix XIII..*

*Exercise of the powers and duties of a District Judge under the Act.*

*No. 3542-I., dated the 27th August, 1891.—Printed in Appendix XIII.*

**INDIAN INCOME-TAX ACT, 1922.**

*Officers invested with powers under the Act.*

*No. 52, dated the 8th July, 1925.*—It is hereby notified for information that the Commissioner of Income Tax for the Bombay Presidency and the areas comprising the Western India States Agency has in exercise of the powers conferred on him by sub-section (4) of section 5 of the Income-Tax Act, 1922, and in supersession of previous appointments relating to the same areas been pleased to appoint the officers named in column 2 of the Schedule hereto annexed to exercise the duties named in column 3 under the sections of the Act mentioned in column 4 for the areas detailed in column 5 thereof:—

*Schedule.*

1 Serial No.	2 Officers appointed.	3 Powers and duties to be exercised whether those of an Income Tax Officer or Assistant Commissioner of Income Tax.	4 Sections of the Act conferring the powers and duties to be exercised and performed.	5 Local limits within which powers and duties to be exercised and performed.
1	<sup>1</sup> The Huzur Accounts Officer, Rajkot.	Income Tax Officer .	All the sections of the Act conferring powers on an Income Tax Officer.	Kathiawar, Cutch and Morvi in Adhoi
1A	<sup>2</sup> The Huzur Deputy Political Agent, Banas Kantha.	Ditto .	Ditto .	Banas Kantha and States, of Palanpur and Radhanpur.
2	<sup>3</sup> The Judicial Officer, Deesa Cantonment.	Ditto .	Ditto .	Deesa Cantonment.
3	The Political Agent, Eastern Kathiawar States.	Assistant Commissioner of Income Tax.	All the sections of the Act conferring powers and duties of an Assistant Commissioner.	Eastern Kathiawar States.
4	The Political Agent, Western Kathiawar States.	Ditto .	Ditto .	Western Kathiawar States, Cutch and Morvi in Adhoi.
5	The Political Agent, Banas Kantha.	Ditto .	Ditto .	Banas Kantha including Deesa Cantonment and the States of Palanpur and Radhanpur.

<sup>1</sup> Substituted by Notification No. 1, dated the 4th January, 1926.—IV. I. S. Agency Gazette, 1926, p. 2.

<sup>2</sup> Inserted by ditto.

<sup>3</sup> Deesa is no longer a Cantonment and has been restored to the Palanpur Darbar.

STATES IN THE WESTERN INDIA STATES AGENCY.—(IV.—Orders 173  
*under Acts of the Governor General in Council and of the  
Indian Legislature.*)

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<sup>1</sup>2. It is further notified that all applications for refund of Income Tax should be made to the Income Tax Officer concerned.

[*W. I. S. Agency Gazette*, 1925, p. 171.]

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<sup>1</sup> Substituted by Notification No. 1, dated the 4th January, 1926.—*W. I. S. Agency Gazette*, 1926, p. 2.







**V.—Orders relating to Courts.**

*British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India.*

*No. 1431-I., dated the 27th April, 1893.—Printed in Appendix XIX.*

*Jails in the Bombay Presidency to which such warrants may be sent.*

*No. 4220, dated the 3rd July, 1895.*—Whereas in exercise of the powers conferred by section 2 of Act V of 1893 (being an Act to legalise in certain cases the execution, within British India, of capital sentences which have been passed by British Courts exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory), and in order to give effect to the provisions of the notification by the Government of India in the Political Department, No. 1431-I., dated the 27th April, 1893, the Governor General in Council has been pleased, by letter No. 3080-I., dated 2nd September, 1893, to authorise the Governor of Bombay in Council to direct to what jails within the territories subject to the jurisdiction of the Governor of Bombay in Council such Courts may send their warrants for the execution of capital sentences under the provisions of the said Act and notification, and to order the Superintendents of all such jails respectively to execute all sentences of death in respect whereof warrants may be issued to them respectively by any such Courts as aforesaid.

Now the Governor in Council is pleased, in pursuance of the said authorisation :—

- (a) to direct that the jail specified in respect of each Court mentioned in the table hereinbelow contained shall be the jail within the territories subject to the jurisdiction of the Governor of Bombay in Council to which such Court may send such warrants as aforesaid, and
- (b) to order that the Superintendent of every such jail shall, on receipt of such warrants from a Court hereby authorised to send such warrant to such jail, cause the execution to be carried out therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, 1882. <sup>1</sup>

Table.

\* \* \* \* \*  
From the Court of the Political Superintendent, Palanpur.<sup>1</sup> To the Central Prison at Ahmedabad.

\* \* \* \* \*  
[Bombay Government Gazette, 1895, Pt. I, p. 777.]

*Criminal Law and procedure of British India applicable to British subjects in Indian States.*

No. 1863-I.A., dated the 13th May, 1904.—Printed in Appendix IV.

*Jurisdiction of the High Court at Bombay over European British subjects.*

No. 580-D., dated the 26th January, 1917.—Printed in Appendix IV.

*Justices of the Peace to commit for trial to the High Court having jurisdiction.*

No. 582-D., dated the 26th January, 1917.—Printed in Appendix IV.

*Justices of the Peace invested with powers of Magistrates of the 1st class and to hold inquests.*

No. 319-D., dated the 16th January, 1917.—Printed in Appendix IV.

*Appointment of Justices of the Peace.*

No. 475-I., dated the 3rd October, 1924.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to appoint the officers for the time being holding the offices specified below, and being European British subjects, to be Justices of the Peace within the limits of their respective charges:—

The Agent to the Governor General in the Western India States Agency, so far as the Cutch State is concerned.

The Judicial Officer, Deesa Cantonment.<sup>2</sup>

[Gazette of India, Extraordinary, 1924, p. 363.]

No. 55-I., dated the 25th January, 1927.—In exercise of the powers conferred by the Indian Foreign Jurisdiction Order in Council, 1902, and of all other powers enabling him in this behalf and in supersession of the notifications of the Government of India in the Foreign Depart-

<sup>1</sup> Now the Court of the Political Agent, Banas Kantha.

<sup>2</sup> Deesa has ceased to be a Cantonment and has been restored to the Palanpur Darbar.

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ment Nos. 132, dated the 27th June, 1873, 101-I-J., dated the 2nd July, 1880, and 6-I-J., dated the 27th January, 1882, and of so much of the notification of the Government of India in the Foreign Department, No. 4971, dated the 18th December, 1888, as relates to Porbandar and Palanpur, the Governor General in Council is pleased to appoint the officers for the time being holding the offices specified in column 1 of the Schedule hereto annexed and being European British subjects to be Justices of the Peace within the limits of their respective charges as specified in column 2 thereof.

*Schedule.*

Names of offices.	Area.
1. Judicial Commissioner in the States of Western India.	Kathiawar and Banas Kantha.
2. Political Agent, Western Kathiawar Agency.	States in the Western Kathiawar Agency.
3. Political Agent, Eastern Kathiawar Agency.	States in the Eastern Kathiawar Agency.
4. District and Sessions Judge, Kathiawar, and Additional Sessions Judge, Banas Kantha.	Kathiawar and Banas Kantha.
5. The Additional District Magistrate, Rajkot Civil Station.	The Rajkot Civil Station.
6. The Political Agent, Banas Kantha.	Banas Kantha.

[*Gazette of India*, 1927, Pt. I, p. 120.)

*Constitution of the Court of the Judicial Commissioner as High Court.*

*No. 473-I., dated the 3rd October, 1924.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that, in all places comprised in the Western India States Agency within which the Governor General in Council is authorised to make rules and orders by the said order in Council, including the Thana Circles and the Civil Stations and the Cantonment of Deesa, the Judicial Commissioner in the States of Western India, shall, save as otherwise expressly provided, exercise the powers of a High Court:—

- (a) as defined in the Code of Criminal Procedure, 1898 (V of 1898), as applied to the said places for the purposes of criminal jurisdiction, except in proceedings against European British subjects or persons jointly charged with European British subjects,
- (b) as defined in the Code of Civil Procedure, 1908 (V of 1908), as applied to the said places for the purposes of civil jurisdiction, and



(c) as otherwise provided for by any law for the time being in force in the said places:

<sup>1</sup>[Provided that the Agent to the Governor General shall direct whether all or any proceedings pending at the date of this notification shall be carried on—(a) as if this notification had not issued, or (b) in accordance with this Notification;]

[*Gazette of India, Extraordinary, 1924, p. 363.*]

*Criminal Courts in the Banas Kantha Agency.*

No. 11, dated the 23rd February, 1925.—Printed *infra*, page 314.

*Criminal Courts in the Kathiawar Agencies.*

No. 479-I., dated the 3rd October, 1924.—Printed *infra*, page 403.

*Civil Courts in the Banas Kantha Agency.*

No. 480-I., dated the 3rd October, 1924.—Printed *infra*, page 297.

*Civil Courts in the Kathiawar Agencies.*

No. 478-I., dated the 3rd October, 1924.—Printed *infra*, page 408.

*Political Courts in the Western India States Agency.*

No. 30, dated the 26th April, 1926.—Printed *infra*, page 211.

*Giras Courts.*

No. 21, dated the 17th April, 1926.—Printed *infra*, page 429.

No. 22, dated the 17th April, 1926.—Printed *infra*, page 434.

*Civil and Criminal Powers of the Manager, Patdi Taluka.<sup>2</sup>*

No. 5, dated the 28th January, 1929.—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in Government of India (Foreign and Political Department) Notification No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf, the Hon'ble the Agent to the Governor-General in the States of Western

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<sup>1</sup> Substituted by notification No. 560-I., dated the 18th November, 1924.—*W. I. S. Agency Gazette*, 1924, p. 351.

<sup>2</sup> For powers of the officiating Manager, Jalia-Dewani Taluka, see Agency notification No. 109, dated the 27th November, 1928.—*W. I. S. Agency Gazette*, 1928, p. 324.

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India is pleased to direct that the Manager, Patdi Taluka, shall exercise, in the area situated in the Eastern Kathiawar Agency, such powers subject to such appeals as are provided in the Schedule hereto annexed; and that all pending cases, appeals, etc., shall be governed by this Notification.

*Schedule.*

Civil powers.	Criminal powers.	Appeals.	REMARKS.
Suits of and below the value of Rs. 5,000.	<p>(i) Power to try all offences except those mentioned in Agency Circular No. 2 of 10th January 1874, as amended by Agency Notifications Nos. 9 and 34, dated 15th March, 1889, and 17th August, 1891, respectively, relating to the Talukas of the old 5th Class.</p> <p>(ii) Power to inflict punishment upto 3 years' rigorous imprisonment and fine to the extent of Rs. 2,000.</p> <p>(iii) The ordinary powers of a 1st Class Magistrate as defined in Schedule III of the Criminal Procedure Code (Act V of 1898 as amended from time to time), except the power to commit for trial under Section 206.</p>	<p>(a) <i>Civil.</i> A first appeal shall lie to the District Judge, Kathiawar, and a second appeal to the Judicial Commissioner, Western India States Agency.</p> <p>(b) <i>Criminal.</i> Appeals in Criminal matters shall lie to the Sessions Judge, Kathiawar.</p>	In revenue, executive and political matters, the Manager shall be under the direct orders of the Political Agent, Eastern Kathiawar Agency.

[W. I. S. Agency Gazette, 1929, p. 22.]

*Jurisdiction of Criminal Courts of Indian States over Indian officers and soldiers of the Indian Army.*

*Letter of the Government of India, No. 1389-I. A., dated the 18th April, 1905.—Printed in Appendix XX.*

*Service of summonses of Courts of Western India States by—(a) Courts in British India.*

*No. 323-I., dated the 15th May, 1929.—Printed in Appendix XXI-B.*

(b) by Courts established or continued by the Governor General in Council.

No. 322-I., dated the 15th May, 1929.—Printed in Appendix XXI-A.

*Service by Courts of Western India States of summonses of Courts of British India.*

No. 323-I., dated the 15th May, 1929.—Printed in Appendix XXI-B.

*Courts established or continued by the Governor General in Council in the Western India States to which Courts in British India may send decrees for execution.*

No. 477-I., dated the 3rd October, 1924.—Printed in Appendix XXI-A.

*Service and execution by Courts established or continued by the Governor General in Council in the Western India States of decrees and summonses—(a) of Civil or Revenue Courts in British India;<sup>2</sup> (b) of other Courts established or continued by the Governor General in Council;<sup>2</sup> (c) of Courts of certain Indian States.*

No. 322-I., dated the 15th May, 1929.—Printed in Appendix XXI-A.

*Service of summonses and execution of decrees of the said <sup>3</sup>Courts in the Western India States—(a) by other Courts established or continued by the Governor General in Council.*

No. 322-I., dated the 15th May, 1929.—Printed in Appendix XXI-A.

(b) by Civil Courts of the Baroda and Mysore States.

No. 398-I. B., dated the 25th February, 1910.

No. 2622-I. B., dated the 24th December, 1912.

No. 2623-I. B., dated the 24th December, 1912.

} Printed in Appendix  
XXI-C.

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<sup>1</sup> As regards summonses, see Rule 26 (a) of Order V of the First Schedule of the Code of Civil Procedure, 1908, read with clause (1) of the Notification No. 322-I., dated the 15th May, 1929.—Printed in Appendix XXI-A.

<sup>2</sup> See also sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908), as applied.

<sup>3</sup> These Courts may send their summonses and decrees to Courts in British India for service and execution, see sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908).

*Reciprocal service of Civil Processes by Courts of the Agency and Courts  
of the Palanpur and Radhanpur States.*

No. 29, dated the 22nd June, 1927.—It is notified for general information that arrangements have now been made with the Palanpur and Radhanpur Darbars for the service of Civil Processes including summons and commissions for the examination of witnesses and notices of hearings of suits and appeals to parties by the Civil Courts of these States a list of which is appended. All such processes should be sent direct by the Civil Courts subordinate to the Western India States Agency to the Court in whose jurisdiction they are to be served. The Civil Courts of the Agency will similarly undertake to serve all such processes received from the said Palanpur and Radhanpur Civil Courts.

*List of Courts of the Palanpur State.*

Serial No.	Name of the Court.	Head-quarters.	REMARKS.
1	2	3	4
1	Huzur Court, Palanpur State . . .	Palanpur.	
2	Sar Nyayadhish, Palanpur State . .	Do.	
3	Sessions Judge, Palanpur State . . .	Do.	
4	Taluka First Class Magistrate, Palanpur State.	Do. . .	For criminal work for all Talukas except Deesa, Dhanera and the town of Palanpur.
5	City First Class Magistrate, Palanpur State	Do.	
6	Dawani Nyayadhish, Palanpur State . .	Do. . .	For all Civil works.
7	Deesa Nyayadhish . . . . .	Deesa.	
8	Dhanera Nyayadhish . . . . .	Dhanera.	

*List of Courts of the Radhanpur State.*

1. Sar Nyayadhish and Sessions Judge, Radhanpur.
2. Munsiff and First Class Magistrate Court, Radhanpur.
3. Munsiff and First Class Magistrate Court, Sami.
4. Munsiff and First Class Magistrate Court, Munipur.

[W. I. S. Agency Gazette, 1927, p. 185.]

*Service in Kathiawar States of summons of Courts in British territory. Proceedings of Karbharis' Meeting held on the 1st August, 1881.*

\* \* \* \* \*

After mature consideration the Karbharis stated that, the step which they are willing to take in respect to summons issued from Courts in British territory, is merely to serve the summons on the person concerned, on the understanding that they will not be compelled to take any further action in the matter of executing, processes, etc., provided Government agree to follow the same course in British territory in respect to the service of summons issued from the Courts of the Kathiawar States.

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[Kathiawar Agency Gazette, 1881, p. 171.]

*Execution of decrees of Courts of the Kathiawar Agencies by Talukdars of certain classes.*

No. 19, dated the 10th April, 1876.—It has been decided by Her Majesty's Secretary of State (Political Despatch No. 8, dated the 17th February, 1875) that Talukdars of the 3rd class and of the classes below the 3rd are bound to execute the decrees of the Courts of the Agency. But in such cases the decrees are always to be executed through the Talukdars and not direct.

[Kathiawar Agency Gazette, 1876, p. 97, also Govinden Directory, Part I, p. 408.]

*Execution free of process fee by Agency Courts of processes of Courts of States and Estates in the Banas Kantha Agency and of the Palanpur and Radhanpur States.*

No. 12, dated the 2nd March, 1926.—The Hon'ble the Agent to the Governor General in the States of Western India is pleased to direct that all processes of the Courts of the States and Estates in the Banas Kantha Agency and the States of Palanpur and Radhanpur sent to an Agency Court in the Western India States Agency for execution shall be executed by such Court free of process fees.

[W. I. S. Agency Gazette, 1926, p. 45.]

*Processes of the Palanpur State Courts to be served free of charge in the Bombay Presidency.*

No. 880, dated the 24th January, 1927.—The Hon'ble the Chief Justice and Judges are pleased to direct that the following sub-paragraphs be added to paragraph 89 before the note thereto at page 29 of the Manual of Civil Circulars, 1925:—

“Processes of the Palanpur State Courts issued of their own motion when forwarded to Courts in the Bombay Presidency should be served’

STATES IN THE WESTERN INDIA STATES AGENCY.—(V.—Orders 183  
relating to Courts.)

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free of charge in consideration of the undertaking given by the Palanpur Darbar towards reciprocity.”

[See *Bombay Government Resolution*, No. 4673, dated the 5th January, 1927.]

*Form of sale proclamation to be used by Agency Civil Courts.*

No. 7280, dated the 25th October, 1906.—Printed *infra*, p. 193. \*

*Appointment, remuneration and duties of Public Prosecutors and the Government Pleader.*

No. 1, dated the 4th January, 1928.—Printed *infra*, p. 265.

*Legal Practitioners and Authorised Translators Rules, 1927.*

No. 57, dated the 21st October, 1927.—Printed *infra*, p. 256.

*Rules for grant of sanads to Mukhtars.*

No. 10, dated the 1st March, 1926.—Printed *infra*, p. 210.

*Pleaders' Clerks Registration Rules, 1925.*

No. 58, dated the 16th September, 1925.—Printed *infra*, p. 200.









## VI.—*Special Laws.*<sup>1</sup>

As stated in the foregoing pages the Western India States Agency comprises three subordinate Agencies, *viz.*, the Banas Kantha Agency, the Eastern Kathiawar Agency and the Western Kathiawar Agency. There are enactments which apply to the Agency as a whole while others apply to a component Agency only.<sup>2</sup> The *Special Laws* in force have accordingly been arranged under the following headings:—

- A. *Special Laws* applying to the Agency as a whole.
- B. *Special Laws* applying to the Banas Kantha Agency.
- C. *Special Laws* applying to the Eastern and Western Kathiawar Agencies.

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<sup>1</sup> Includes both British Indian Enactments applied and laws or regulations made specially for the areas concerned.

<sup>2</sup> Ordinarily they apply only to those areas (in the Agency or subordinate Agency) in which the Governor General in Council possesses legislative jurisdiction, *i.e.*, to the territories included in the Thana Circles and Civil Stations.

A.—SPECIAL LAWS APPLYING TO THE AGENCY AS A  
WHOLE.<sup>1</sup>

*Application of provisions of General and Bombay Acts.*

No. 36, dated the 13th May, 1929.—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council, in the <sup>2</sup>Notification of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in that behalf, the Hon'ble the Agent to the Governor General in the States of Western India is pleased, in supersession of the Notifications mentioned in the Second Schedule annexed hereto, to apply to the whole of the territories included in the Thana Circles and Civil Stations in the Western India States Agency the enactments specified in the First Schedule hereto annexed in so far as the same may be applicable and subject to any amendments to which the said enactments are for the time being subject in British India:

Provided, first, that in the enactments as so applied (except where the context or the modifications hereinafter referred to otherwise require) references to a Local Government shall be read as referring to the Agent to the Governor General in the Western India States Agency; references to a High Court as referring to the Court of the Judicial Commissioner in the Western India States Agency; references to a Collector as referring to a Political Agent and references to British India, or to a province or to the territories subject to a Local Government as referring to the territories to which this Notification applies:

Provided, secondly, that the further modifications and restrictions, if any, set forth in the said First Schedule shall be made in the said enactments as so applied:

Provided, thirdly, that for the purpose of facilitating the application of the said enactments any Court in the Western India States Agency may construe the provisions thereof and any Notifications, orders, rules, forms or bye-laws thereunder with such alterations not affecting the substance as may be necessary or proper to adapt the same to the matter before the Court:

Provided, fourthly, that all civil and criminal and other proceedings pending at the date of this Notification shall be carried on as if this Notification had not been issued, but that, save as aforesaid, all proceedings commenced, officers appointed or authorised, jurisdictions or powers conferred or confirmed, Notifications published, rules or bye-

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<sup>1</sup> See footnote 2 on previous page.

<sup>2</sup> Printed *supra*, p. 158.

STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—A.— 187  
*Special Laws applying to the Agency as a whole.*)

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laws made, orders passed and things done under any of the enactments specified in the notifications hereby superseded shall be, as far as may be, deemed to have been respectively commenced, appointed or authorised, conferred or confirmed, published, made, passed and done under the corresponding enactments specified in this Notification.

*First Schedule.*

No.	Enactments applied.	Further modifications and restrictions.
<i>I. Acts of the Governor General in Council.</i>		
1	The Interest Act, 1839 (XXXII of 1839).	.....
2	The Indian Penal Code (Act XLV of 1860).	(1) In section 124A, after the words "British India," the words "or the Ruler or the Government of any State in India" shall be <i>inserted</i> . (2) To the explanation to section 361 the following words shall be <i>added</i> , namely:— <p style="margin-left: 40px;">"and where no person is so entrusted with the care or custody of such minor or other person, the latter shall be deemed to be taken out of keeping of his lawful guardian, without the consent of such guardian if he is removed beyond the territorial limits of any State or Taluka without the consent of the Political or Chief Executive Authority exercising jurisdiction in such State or Taluka."</p>
3	The Press and Registration of Books Act, 1867 (XXV of 1867).	.....
4	The Cattle-trespass Act, 1871 (I of 1871).	.....
5	The Indian Evidence Act, 1872 (I of 1872).	.....
6	The Indian Contract Act, 1872 (IX of 1872).	.....
7	The Indian Majority Act, 1875 (IX of 1875).	.....
8	The Indian Telegraph Act, 1885 (XIII of 1885).	.....
9	The Bankers' Books Evidence Act, 1891 (XVIII of 1891).	.....
10	The Indian Post Office Act, 1898 (VI of 1898).	.....
11	The Prisoners' Act, 1900 (III of 1900).	Parts III and VIII and Section 49 shall be <i>omitted</i> .

No.	Enactments applied.	Further modifications and restrictions.
12	The Code of Civil Procedure, 1908 (Act V of 1908).	<p data-bbox="533 240 966 406">(1) Except as otherwise stated in this Notification, or in any other Notification or order for the time being in force, the provisions of the said enactment, so far as the same may be applicable, shall apply to all suits, appeals and other proceedings in the Civil Courts.</p> <p data-bbox="533 416 966 731">(2) The Judicial Commissioner in the States of Western India shall, save as otherwise expressly provided, exercise the powers of a High Court as defined in the Notification of the Government of India in the Foreign and Political Department, No. 473-I., dated the 3rd October, 1924, and all other powers and authority under the Notification shall be exercisable by the officers specified in that behalf in the Notification of the Government of India in the Foreign and Political Department Nos. 478-I., and 480-I. of the 3rd October, 1924.</p> <p data-bbox="533 741 966 970">(3) In sub-section (5) of section 2, section 10, and sub-rules (4) and (5) of Rule 49 of Order XXI in the First Schedule the words "British India" shall be <i>read</i> as referring to British India and to the territories included in the Western India States Agency (other than those in which the Governor General in Council does not for the time being exercise legislative jurisdiction).</p> <p data-bbox="533 980 966 1055">(4) In the proviso to section 29 after the word "summonses" the words "are situate in British India or" shall be <i>inserted</i>.</p> <p data-bbox="533 1065 966 1248">(5) The provisions of Part II and of Order XXI relating to the execution of decrees shall be applied with such modifications as may be necessary to adapt them to the provisions of any Agency Notification, Circular, or general order relating to such matters at present in force, or which may hereinafter be issued.</p> <p data-bbox="533 1258 966 1550">(6) For section 43, the following section shall be <i>substituted</i>, namely:—  "43. <i>Execution of decrees of British Courts.</i>—Any decree passed by a Civil Court in British India or by any Court established or continued by the authority of the Governor General in Council, may if it cannot be executed within the jurisdiction of the Court by which it was passed, be executed in the manner herein provided within the jurisdiction of any Agency Court."</p> <p data-bbox="533 1561 966 1612">(7) In section 45, before the words "any Court" the words "situate in British India or to" shall be <i>inserted</i>.</p>

STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—A.— 189  
*Special Laws applying to the Agency as a whole.*)

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No.	Enactments applied.	Further modifications and restrictions.
12	The Code of Civil Procedure, 1908 (Act V of 1908).	<p>(8) For clause (b) of section 78, the following clause shall be <i>substituted</i>, namely:—</p> <p style="padding-left: 40px;">“(b) Courts situate in British India or in any other part of the British Empire, or.”</p> <p>(9) In sections 91 to 93, for the term “Advocate General,” the term “District Judge, Kathiawar” in the Kathiawar Agency, and the term “Political Agent, Banas Kantha” in the Banas Kantha Agency, shall be <i>substituted</i>.</p> <p>(10) To Rule 25 of Order V in the First Schedule the following proviso shall be <i>added</i>, namely:—</p> <p style="padding-left: 40px;">“Provided that, if the defendant resides in British India, the summons may be sent for service to a Court (not being a High Court) having jurisdiction at the place where he resides; and if the Court returns the summons with an endorsement signed by the Judge or other officer of the Court that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be deemed to be evidence of service.”</p> <p>(11) The provisions of Rule 48 of Order XXI in the First Schedule shall <i>apply</i> only to those cases in which the salary and allowances are payable in the Western India States Agency.</p>
13	The Explosive Substances Act, 1908 (VI of 1908).	.....
14	The Indian Lunacy Act, 1912 (IV of 1912).	<p>(1) Any First Class Magistrate may perform the functions of a Magistrate under clause (6) of section 3, and may send lunatics found within the limits of his jurisdiction to the Ahmedabad Mental Hospital.</p> <p>(2) To clause 1 of section 3, the following words shall be <i>added</i>, namely:—</p> <p style="padding-left: 40px;">“and includes any asylum or mental hospital established or licensed by Government in British India.”</p> <p>(3) Sections 14, 15 and 67 shall be subject to the proviso that, if a lunatic is an inhabitant of an Indian State, the Magistrate or Judge, as the case may be, may make him over to the care of such State with its consent and, in the case of an order under section 67, with the consent of the person on whose application the inquisition was instituted.</p>

190 STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—A.—  
*Special Laws applying to the Agency as a whole.*)

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No.	Enactments applied.	Further modifications and restrictions.
15	The Provincial Insolvency Act, 1920 (V of 1920).	<p>(1) Words and expressions used in the Act which are not defined therein but are defined in the Code of Civil Procedure, 1908, shall have the same meanings as in the said Code as applied to the territories to which this notification relates.</p> <p>(2) The provisions regarding appeals and limitation contained in sections 75 and 78 of the Act shall apply to all orders made by a Court in the said territories in the exercise of insolvency jurisdiction notwithstanding anything to the contrary prescribed in the notifications of the Government of India in the Foreign and Political Department Nos. 478-I. and 480-I. of the 3rd October, 1924, and in the notification of the Government of Bombay No. 7791 of the 12th December, 1890, as subsequently amended and applied to the Kathiawar and Banas Kantha Agencies.</p>

*Acts of the Indian Legislature.*

16	The Indian Soldiers' Litigation Act, 1925 (IV of 1925).	Sub-section (3) of section 1 shall be <i>omitted</i> .
17	The Provident Funds Act, 1925 (XIX of 1925).	Sub-section (3) of section 1 shall be <i>omitted</i> .
18	The Indian Succession Act, 1925 (XXXIX of 1925).	<p>(1) References to a Court of Wards shall be <i>read</i> as referring to a Political Agent.</p> <p>(2) Sections 11 and 57 and Schedule III shall be <i>omitted</i>.</p> <p>(3) <i>For</i> section 382 the following shall be <i>substituted</i>, namely:—</p> <p>“382. Where a certificate in the form of the Eighth Schedule to this Act has been granted by a Court having jurisdiction under the Act in British India, or under the Act as applied in any area outside British India which is under the administration of the Governor General in Council; or where a certificate has been granted to a subject of or resident within a Foreign State in the Agency by a Political Agent on the production by such subject or resident of a certificate granted to him by a State Court; or where a certificate so granted has been extended; the certificate shall if it has been stamped in accordance with the provisions of the Court-fees Act, 1870, have the same effect as certificates granted or extended under this Act.”</p>

STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—A.— 191  
*Special Laws applying to the Agency as a whole.*)

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No.	Enactments applied.	Further modifications and restrictions.
<i>Bombay Regulations.</i>		
19	The Bombay Administration of Estates Regulation, 1827 (VIII of 1827).	<p>(1) For the words "Zillah Court" wherever they occur, the words "District Court" shall be substituted.</p> <p>(2) For the word "Judge" wherever it occurs, the words "District Judge" shall be substituted.</p> <p>(3) For the words "Sadar Diwani Adalat" wherever they occur, the words "Judicial Commissioner in the Western India States Agency" shall be substituted.</p> <p>(4) For the words "Government Newspaper" in clause second of section 10 the words "The Western India States Agency Gazette" shall be substituted.</p> <p>(5) The words "Court of the Zillah" wherever they occur in Appendices 'A' and 'B' and 'C' shall be read as references to the District Court.</p>
20	The Bombay State Prisoners' Regulation, 1827 (XXV of 1827).	<p>(1) In the third paragraph of the preamble and in section 9 for the words "Revenue authorities" the words "Agency authorities" shall be substituted.</p> <p>(2) In section 3, for the words "Secretary to Government in the Political Department" the words "Secretary to the Hon'ble the Agent to the Governor General in the Western India States Agency" shall be substituted.</p> <p>(3) In section 7, for the words "Secretaries to Government" the words "Secretary to the Agent to the Governor General in the Western India States Agency" shall be substituted.</p> <p>(4) In clause first of section 8, for the words "Government in the Revenue Department" the words "the Western India States Agency" shall be substituted; and in the proviso to the said section for the word "Collector" the words "Political Agent" shall be substituted.</p>

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*Second Schedule.*

Notification repealed.	Extent of repeal.
<i>Bombay Government Notifications.</i>	
No. 3802, dated the 13th June, 1904 .	The whole.
No. 3799, dated the 13th June, 1904 .	"
No. 5702, dated the 25th August, 1908 .	In so far as it relates to territories in the Western India States Agency.
No. 8944, dated the 17th December, 1912.	The whole.
No. 3114, dated the 21st May, 1913 .	"
No. 5694, dated the 3rd August, 1918 .	"
No. 4925, dated the 15th June, 1918 .	"



**192 STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—A.—**  
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Notification repealed.	Extent of repeal.
No. 581-B., dated the 10th November, 1922.	The whole.
No. 528-A., dated the 26th January/9th February, 1923.	In so far as it relates to territories in the Western India States Agency.
No. 1580, dated the 28th September, 1923.	The whole.
No. 1598, dated the 5th December, 1923.	„

*Agency Notifications.*

No. 25, dated the 13th April, 1925 .	„
No. 28, dated the 20th April, 1925 .	„
No. 61, dated the 5th October, 1925 .	„
No. 2, dated the 9th January, 1926 .	„
No. 44, dated the 15th June, 1926 .	„
No. 59, dated the 28th July, 1926 .	„
No. 63, dated the 3rd August, 1926 .	„
No. 21, dated the 10th April, 1928 .	„

[W. I. S. Agency Gazette, 1929, p. 132.]

*General Acts.*

REVENUE RECOVERY ACT, 1890.

No. 1415-I., dated the 30th April, 1890.—Printed in Appendix XVI.

EPIDEMIC DISEASES ACT, 1897.

No. 443-I-A., dated the 4th February, 1897.—Printed in Appendix XVIII.

LOCAL REGULATIONS.

*Rules for refund of value or exchange of Court fee stamps and labels.*

No. 6359, dated the 17th September, 1906.—His Excellency the Governor in Council is pleased to direct that effect shall be given to the following rules in all Political Agencies of the Bombay Presidency:—

1. (a) When any person is possessed of impressed Court-fee stamps for which he has no immediate use or which have been spoiled or rendered unfit or useless for the purpose intended, or
- (b) When any person is possessed of two or more (or in the case of denominations below Rs. 5, 4 or more) Court-fee adhesive labels which have never been detached from each other and for which he has no immediate use, the Political

Agent shall, on application, repay to him the value of such stamps or labels in money, deducting one anna in the rupee, upon such person delivering up the same to be cancelled and proving to the Political Agent's satisfaction that they were purchased by him with a *bona fide* intention to use them, that he has paid the full price thereof and that they were so purchased, or in the case of impressed Court-fee stamps so purchased spoiled or rendered useless, within the period of six months preceeding the date on which they are so delivered.

2. When a licensed vendor surrenders his license or dies, the Political Agent, may, at his discretion, if he considers that the circumstances justify the application, repay to him or his representatives, as the case may be, the values of stamps and labels not spoiled or rendered unfit for use, returned into the Political Agent's store, deducting one anna in the rupee; or he may issue stamps and labels of other value in exchange, provided that in the case of adhesive Court-fee labels their value may not be refunded nor stamps and labels of other values issued in exchange unless in cases where the value of each label is not less than Rs. 5 there are at least two such labels which have never been detached from each other; and in cases where the value of each label is less than Rs. 5 unless there are at least four such labels which have never been detached from each other.

[*Bombay Government Gazette*, 1906, Pt. I, p. 1209.]

*Form of sale proclamation to be used by Agency Civil Courts.*

No. 7280, dated the 25th October, 1906.—The Governor General in Council is pleased to direct that where an Agency Court acting on the Civil side is under the necessity of preparing a proclamation of a sale, the proclamation should be prepared in the Form A annexed to this Circular.

If, in the case of a Hindu judgment-debtor, it is desired to sell the interest of any other member of the family (*e.g.*, that of a minor son or brother), the name of such member and the fact that his interest is being sold must be stated in the proclamation, as otherwise his interest will not pass to the purchaser. To the proclamation should be appended a list, in Form B, of all claims for which, in the opinion of the Court, there is a reasonable and probable cause—such as claims of coparceners, or reversioners in the case of Hindu females, or mortgagees, or tenants, etc. The list may be varied as occasion requires.

## FORM A.—Proclamation of Sale.

Court of (full designation).

Original suit No.                      of                      .

Appeal in the court of

Appeal \_\_\_\_\_ in the court of \_\_\_\_\_

Plaintiff.	Defendant.
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(a) In execution of a decree of \_\_\_\_\_ Court in the above case, dated the \_\_\_\_\_ day of \_\_\_\_\_, in virtue whereof \_\_\_\_\_ a sum of \_\_\_\_\_ was adjudged to be payable by\* the said \_\_\_\_\_ into the said \_\_\_\_\_, and \_\_\_\_\_

\* This to be expressed in accordance with the decree in course of execution.

of a warrant, dated the                      day of                      , for giving effect to the said decree by sale of property, notice is hereby given that on the                      day of                      at                      8 o'clock A.M. A.B. of this Court (or other person appointed) will at                      in                      sell by auction to, the highest bidder and without reserve the right, title and interest of the said                      in the several articles of moveable and immoveable property hereunder specified:—

### *Moveable Property.*

1	2	3	4	5	6
Lot Number.	Number and description of articles.	Where attached.	Where now placed.	When to be viewed.	Whether any claim has been set up to the lot) (included in the annexed list) (Form B with a reference thereto).



FORM B.

1	2	3	4	5	6	7	8	9	10
Name of claimant.	Number of lots and description of property attached, in which an interest is claimed.	Nature and amount or money value of claim.	Documents, if any, by which such claim is supported. (Note.—In this column are to be entered the names of persons by whom and in whose favour each document was executed, and the amount of any sum as a charge, or as mortgage money, or consideration, set forth in the document.)	Date of execution and of registration of each document. (Note.—As to the documents which have not been registered a remark to that effect is to be entered in this column.)	Whether the claim advanced, or any, and what part thereof is admitted or denied by the judgment-debtor and by the judgment creditor.	Documents adduced by judgment-debtor with reference to said claim.	Date of execution and registration of the same.	Documents adduced by judgment-creditor with reference to such claim.	Date of execution and registration of the same.

**STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—A.— 197**  
*Special Laws applying to the Agency as a whole.)*

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*Procedure in making orders for the detention in asylums in British India  
of lunatics from Western India States.*

<sup>1</sup>No. 567-G., dated the 10th March, 1920.—Whereas jurisdiction to make an order for the detention of any of their subjects who are, or who may hereafter become, lunatics has been transferred to the Governor General in Council by the Darbars of the States named in the accompanying Schedule :

Now, therefore, the Governor General in Council, in exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in this behalf, is pleased to prescribe the following procedure for observance by Political Officers in connection with the making of orders and warrants for the detention of lunatics from the said States in asylums in British India.

1. In the case of a criminal lunatic, in respect of whom an order or warrant for detention in an asylum has been made or issued by a court established under the authority of the Darbar of any of the said States, the Political Officer may, on application by such Darbar, endorse such order or warrant for execution in an asylum in British India.

2. In the case of any other lunatic, in respect of whom an application to that effect has been made by any such Darbar, the Political Officer may make an order for the detention of such lunatic in an asylum in British India.

*Schedule.*

Name of State.	Designation of Political Officer.
<div style="display: flex; justify-content: space-between;"> <span>**</span> <span>*</span> <span>*</span> <span>*</span> <span>*</span> <span>*</span> <span>*</span> <span>*</span> </div>	
<div style="display: flex; justify-content: space-between;"> <span>*Junagadh</span> <span>.</span> <span>.</span> <span>.</span> <span>.</span> <span>.</span> <span>.</span> <span>.</span> </div>	} The Agent to the Governor General in the States of Western India.
<div style="display: flex; justify-content: space-between;"><span>*Wankener</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	
<div style="display: flex; justify-content: space-between;"><span>*Palitana</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	
<div style="display: flex; justify-content: space-between;"><span>*Wadhwan</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	
<div style="display: flex; justify-content: space-between;"><span>*Bhavnagar</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	
<div style="display: flex; justify-content: space-between;"><span>*Chuda</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	} The Political Agent, Eastern Kathiawar States.
<div style="display: flex; justify-content: space-between;"><span>*Vala</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	
<div style="display: flex; justify-content: space-between;"><span>*Vanod</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	
<div style="display: flex; justify-content: space-between;"><span>*Vithalgadh</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	
<div style="display: flex; justify-content: space-between;"><span>*Dasada (Malek Zainkhanji)</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	
<div style="display: flex; justify-content: space-between;"><span>*Rajpur</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	} The Political Agent, Western Kathiawar States.
<div style="display: flex; justify-content: space-between;"><span>*Raisankli</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	
<div style="display: flex; justify-content: space-between;"><span>*Jasdan</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	
<div style="display: flex; justify-content: space-between;"><span>*Bantwa</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	
<div style="display: flex; justify-content: space-between;"><span>*Manavadar</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	
<div style="display: flex; justify-content: space-between;"><span>*Estate of Khan Shri Sherbuland Khanji</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	
<div style="display: flex; justify-content: space-between;"><span>*Estate of Khan Shri Hussenyawarhkanji.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	
<div style="display: flex; justify-content: space-between;"><span>*Estate of Vala Ram Ala</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span><span>.</span></div>	

<sup>1</sup> Cf. Notification No. 568-G., dated the 10th March, 1920, *supra*, p. 170.

<sup>2</sup> Relates to States in political relations with the Bombay Government.

<sup>3</sup> The entries from Junagadh to Kotda-Pitha were substituted by Notification No. 86-G., dated the 24th February, 1926. *Gazette of India*, 1926, Pt. I, p. 318.

198 STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—A.—  
*Special Laws applying to the Agency as a whole.*)

Name of State.	Designation of Political Officer.
Estate of Vala Vajsur Valera . . . . .	} The Political Agent, Western Kathiawar States.
Estate of Vala Bhan Desa . . . . .	
Estate of Vala Jethsur Punja . . . . .	
Estate of Kotila Unad Bhan . . . . .	
Estate of Kotila Jaitmal Champraj . . . . .	
Estate of Vala Champraj Jasa . . . . .	
Estate of Vala Valera Raning . . . . .	
Estate of Vala Amra Moka . . . . .	
Estate of Vala Manasia Nag . . . . .	
Estate of Vala Giga Hippa of Sanala . . . . .	
Jalia Dewani . . . . .	
Kotharia . . . . .	
Gavridad . . . . .	
Pal . . . . .	
Estate of Jadeja Mulwaji of Lodhika . . . . .	
Estate of Jadeja Vijaysinhji of Lodhika . . . . .	
Gadhka . . . . .	
Mangni . . . . .	
Shahpur . . . . .	
Bhadwa . . . . .	
Rajpura . . . . .	
Estate of Khachar Jiwa Mesur or Anandpur. . . . .	}
Estate of Khachar Desa Bhoj of Anandpur. . . . .	
Estate of Khachar Surag Sadul of Chotila. . . . .	
Khirasara . . . . .	
Sitapur . . . . .	
Kotda-Pitha . . . . .	}

[*Gazette of India*, 1920, Pt. I, p. 488.]

*Registration of Births and Deaths Rules, 1925.*

No. 57, dated the 11th September, 1925.—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>1</sup> of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf the Hon'ble the Agent to the Governor General in the States of Western India is pleased to prescribe, in supersession of the rules published with Government of Bombay Notification No. 10028, dated the 26th November, 1918, and Circular No. 8, dated the 25th March, 1901, issued by the Political Superintendent, Palanpur, the following rules regulating the registration of births and deaths in the Western India States Agency:—

1. It shall be the duty of the father and mother of every child born within the limits of the Civil Stations,<sup>2</sup> \* \* \* \* \* [and]<sup>3</sup> Thana Circles \* \* \* \* \* in the Western India

<sup>1</sup> Printed *supra*, p. 158.

<sup>2</sup> Omitted by Notification No. 7, dated the 15th February, 1926. *W. I. S. Agency Gazette*, 1926, p. 32.

<sup>3</sup> Inserted by ditto.

States Agency, and in default of the father and mother, then of the occupier, caretaker or manager of the premises in which, to his knowledge, the child is born, and of each person present at, or in attendance during the birth, and of the person having charge of the child, to furnish unless prevented by good and sufficient cause, within 72 hours next after such birth, either orally or in writing, according to the best of his knowledge and belief, to the executive authority appointed by the Political Agent for that purpose the following particulars concerning such birth:—

1. Name of street,
  2. Names of father and mother,
  3. Caste or race,
  4. Sex of child,
  5. Date of birth,
  6. Whether born alive,
  7. Whether still born,
  8. Whether since dead.
2. It shall be the duty of every head of a household or family in which a death has occurred within the Civil Stations, [and]<sup>1</sup> Thana Circles,<sup>2</sup> \* \* \* in the Western India States Agency, or in default of the head of the household or family, then of the occupier, the caretaker or manager of the premises in which to his knowledge, such death has occurred, to furnish, unless prevented by good and sufficient cause, within 72 hours next after such occurrence, either orally or in writing, according to the best of his knowledge and belief, the following particulars concerning such death to the executive authority appointed by the Political Agent for that purpose:—

1. Name of street or part of the town,
2. Name, father's name and surname of deceased,
3. Caste or race,
4. Occupation,
5. Probable age,
6. Sex,
7. Cause of death,
8. Date of death.

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<sup>1</sup> Inserted by Notification No. 7, dated the 15th February, 1926. W. I. S. Agency Gazette, 1926, p. 32.

<sup>2</sup> Omitted by ditto.



3. If any person whose duty it may be to give the information required in paragraphs 1 and 2 above without due cause, neglects or refuses to give such information within the period specified, he may, <sup>1</sup>[on conviction before a magistrate], be punished with fine which may extend to Rs. 10.  
[*W. I. S. Agency Gazette*, 1925, p. 217.]

*Pleaders' Clerks Registration Rules, 1925.*

*No. 58, dated the 16th September, 1925.*—The Hon'ble the Agent to the Governor General in the States of Western India is pleased to promulgate the following rules for the registration of pleaders' clerks in the Courts of the Agency. They shall come into force from the date of this Notification:—

1. The Judicial Commissioner in the States of Western India shall keep a register of barristers' and pleaders' clerks.
2. A barrister or pleader employing any person as a clerk may apply to the Judicial Commissioner to have the name of such clerk registered under these rules, and on satisfactory proof of such person's good character and trustworthiness his name may be registered accordingly.
3. Every clerk registered on the Judicial Commissioner's list shall be recognised as his employer's duly authorised agent for the purpose of presenting plaints, written statements, appeals or any applications required to be made, and of performing other work of a ministerial character on behalf of his employer in the Courts of the Western India States Agency.
4. A registered clerk may make uncertified copies of documents such as plaints, written statements, rejoinders, memoranda of appeal, applications, memoranda of evidence and other documents of a similar nature (not being original documents of title or wills) in the Courts' record, on an application to do so made to the Chief Ministerial Officer of a Court, provided that no Court record shall be so used except during office hours and that no document whatever shall be removed from the Court premises and that the taking of copies shall not inconvenience the Court's ministerial staff.
5. A copy of the list of registered clerks for the time being in force will be supplied to all the subordinate courts of the Agency.

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<sup>1</sup> Inserted by Notification No. 7, dated the 15th February, 1926. *W. I. S. Agency Gazette*, 1926, p. 32.

6. Any registered clerk may be permitted to represent any other barrister or pleader, enrolled in the Agency under rules 2 and 3 above, with the written consent of his regular employer.
7. Every barrister or pleader employing a registered clerk shall notify his discontinuance of such employment to the Registrar of the Court of the Judicial Commissioner.
8. On proof of any misconduct, the Judicial Commissioner may direct the name of a registered clerk to be struck off the list, and any clerk whose name has so been struck off shall not again be recognised under these rules. The Judicial Commissioner's decision under this rule shall be final.

[*W. I. S. Agency Gazette*, 1925, p. 221.]

*Western India States Agency Registration Rules.*

*No. 77, dated the 12th December, 1925.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>1</sup> of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf, the Agent to the Governor General in the Western India States Agency is pleased in supersession of the Notifications noted below and all rules and orders published on the subject, to make the following rules for the registration of documents in the Western India States Agency:—

1. Kathiawar Agency Circular No. 14 of 1868.
2. Kathiawar Agency Notification No. 19 of 1868.
3. Kathiawar Agency Notification No. 20 of 1869.
4. Kathiawar Agency Circular No. 45 of 1869.
5. Kathiawar Agency Notification No. 2 of 1874.
6. Kathiawar Agency Notification No. 13 of 1874.
7. Kathiawar Agency Notification No. 26 of 1876.
8. Government of Bombay Resolution, Political Department. No. 3825, dated the 7th June, 1911.
9. Item No. 22 of Notification of the Government of India in the Foreign and Political Department, No. 471-I., dated the 3rd October, 1924.
10. Item No. 48 of Notification of the Government of India in the Foreign and Political Department, No. 471-I., dated the 3rd October, 1924. \*

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<sup>1</sup> Printed *supra*, p. 158.

THE WESTERN INDIA STATES AGENCY REGISTRATION RULES.

1. These Rules shall be called the Western India States Agency Registration Rules.

2. They shall come into force on the 1st January, 1926.

3. *Definitions.*—In these Rules, the term “Immovable property” includes land, buildings, hereditary allowances, right to ways, lights, ferries, fisheries, or any other benefit to arise out of land and things attached to the earth or permanently fastened to anything which is attached to the earth but not standing timber, growing crops nor grass.

The term “Movable property” includes standing timber, growing crops and grass, fruits upon and juice in trees and property of every other description except immovable property.

4. *Registrar and Sub-Registrar.*—In Kathiawar the Civil Subordinate Judge shall be Registrar, and the Thandars shall be Sub-Registrars within their respective Thana Circles and up to their Civil powers.

In Banas Kantha the Deputy Political Agent invested with Civil powers shall be the Registrar and the Thandars shall be Sub-Registrars up to their Civil powers and within their respective Thana Circles.

5. *Documents of which Registration is compulsory.*—The following documents shall be registered:—

(1) Instruments of gift of immovable property.

(2) Other non-testamentary documents which purport or operate to create, declare, assign, limit or extinguish whether in present or future any rights, title or interest whether vested or contingent of the value of Rs. 100 and upwards to or in immovable property. Provided that when a deed of sale or mortgage of land by a Girassia is presented for registration the registering officer shall accept it and report to the Political Agent when such orders will be issued as are necessary with reference to the engagements of the Chief on the subject.

(3) Authorities to adopt a son executed after the [1st January, 1926]<sup>1</sup> and not conferred by will shall also be registered.

(4) Non-testamentary instruments which acknowledge the receipt of payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such rights, title or interest; and

(5) Leases of immovable property from year to year or for any time exceeding one year or reserving a yearly rent.

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<sup>1</sup> Substituted by Notification No. 20, dated the 28th April, 1927. W. I. S. Agency Gazette, 1927, p. 119.

6. *Documents of which registration is optional.*—Any of the under-mentioned documents may be registered:—

- (i) Instruments which purport to create, declare, assign, limit or extinguish whether in present or in future any right, title or interest whether vested or contingent of a value less than one hundred rupees to or in immovable property;
- (ii) Instruments acknowledging receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest;
- (iii) Leases of immovable property for any term not exceeding one year;
- (iv) Awards relating to immovable property;
- (v) Instruments which purport or operate to create, declare, assign, limit or extinguish any right, title to, or in movable property;
- (vi) Acknowledgments, agreements, articles of partnership, assignments, awards, bills of exchange, bills of sale bonds, composition deeds, contracts, grants, instruments of dissolution of partnerships, instruments of partition, powers-of-attorney, promissory notes, releases, settlements, writings of divorce, wills, and all other documents not hereinbefore mentioned.

7. *Documents containing interlineations, blanks, erasures, or alterations.*—The registering officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration. If such a document is registered the registering officer shall at the time of registration make a note in the register of such interlineation, blank, erasure or alteration.

8. *Description of property.*—No document relating to immovable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same. Houses in towns shall be described as situated on the north or other side of the street or road which should be specified to which they front, other houses and lands shall be described by their names if any, by their situation, area, and by the roads and other properties on which they abut.

If the description is sufficient to identify the property the document may be registered.

9. *Time for presenting documents.*—No document compulsorily registerable under Rule 5 and no document optionally registerable under

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*Special Laws applying to the Agency as a whole.*)

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Rule 6 shall be accepted for registration unless presented for that purpose to the proper officer within six months from the date of its execution.

*Documents executed by several persons at different times.*—Provided that when several persons have executed a document at different times such document may be presented for registration within six months from the date of each execution.

10. *Provision where delay in presentation is unavoidable.*—If owing to urgent necessity or to unavoidable accident any document executed in the Western India States Agency is not presented for registration within the above mentioned period and where the delay does not exceed six months the Registrar may direct that on payment of a fine not exceeding ten times the proper registration fee the document shall be registered.

11. Every document mentioned in Rule 5 and in clauses (i), (ii), (iii) and (iv) of Rule 6 shall be presented for registration, where the right, title or interest purported to be created, declared, assigned, limited or extinguished by such document is of the value of rupees five hundred or upwards, at the office of the Registrar, and where such right, title or interest is of a value less than rupees five hundred at the office of the Sub-Registrar, within whose district the whole or some portion of the property to which the document relates is situated.

12. *Wills may be presented or deposited at any time.*—A will may at any time be presented for registration or deposited in manner hereinafter provided.

13. *Place for registering other documents.*—Documents not relating to immovable property may be presented for registration either before the Registrar or where a Sub-Registrar has been empowered, before him.

14. *Persons to present documents for registration.*—Every document to be registered under these Rules whether its registration is compulsory or optional shall be presented at the proper registration office either by some person executing it or claiming under the same or by the representative or assign of such person.

15. *Enquiry by registering officer.*—No document shall be registered unless the person or persons executing it or his or their representatives or assigns or a duly authorized agent of such person or persons appears before the registering officer within the time allowed for presentation.

16. *Inquiry as to identity of persons appearing.*—On such person or persons appearing before him the registering officer shall inquire whether the document was executed by the person or persons by whom it purports to have been executed and shall satisfy himself as to the identity of the persons appearing before him and alleging that they have

executed the document and in the case of any person appearing as a representative, assign or agent, shall satisfy himself of the right of such person so to appear.

17. *Procedure on admission of execution.*—If all the persons executing the document appear personally before the registering officer and are known to him or if he be otherwise satisfied that they are the persons they represent themselves to be and if they all or their representatives admit the execution of the document the registering officer shall register the document.

*Procedure on denial of execution.*—If all or any of the persons by whom the document purports to be executed deny its execution or if any such person appears to be a minor, an idiot or a lunatic or if any person by whom the document purports to have been executed is dead and his representative or assign denies its execution the registering officer shall refuse to register the document.

18. *Procedure when appearance of executant or witness is desired.*—When any person presenting a document for registration desires the appearance of any person whose presence or testimony is necessary the registering officer may in his discretion and on receipt of the process fee prescribed, summon such person to appear and examine him in accordance with the provisions of the Code of Civil Procedure, 1908, for the summoning and examination of witnesses.

19. *Persons entitled to present wills and authorities to adopt.*—The testator, or after his death any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration.

The donor, or after his death the donee, or any authority to adopt, or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.

20. *Registration of wills and authorities to adopt.*—A will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

A will or authority to adopt presented for registration by any other person entitled to present it shall be registered if the registering officer is satisfied :—

- (a) that the will or authority was executed by the testator or donor, as the case may be;
- (b) that the testator or donor is dead; and
- (c) that the person presenting the will or authority is, under Rule 19, entitled to present the same.

21. *Deposit of wills.*—Any testator may, either personally or by duly authorized agent, deposit with any Registrar his will in a sealed cover

superscribed with the name of the testator and that of his agent (if any) and with a statement of the nature of the document.

22. *Procedure on deposit of wills.*—On receiving such cover, the Registrar, if satisfied that the person presenting the same for deposit is the testator or his agent, shall transcribe in his register book No. V, the superscription aforesaid, and shall note in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover.

The Registrar shall then place and retain the sealed cover in his fire-proof box.

23. *Withdrawal of sealed cover deposited under Rule 21.*—If the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorized agent, to the Registrar, who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

24. *Proceedings on death of depositor.*—If, on the death of a testator who has deposited a sealed cover under Rule 21, application be made to the Registrar who holds it in deposit to open the same and if the Registrar is satisfied that the testator is dead, he shall, in the applicant's presence, open the cover, and, at the applicant's expense, cause the contents thereof to be copied into his book No. III.

When such copy has been made, the Registrar shall re-deposit the original will.

25. *Saving of certain enactments and powers of Court.*—Nothing hereinbefore contained shall affect the provisions of section 259 of the Indian Succession Act, 1865, or of section 81 of the Probate and Administration Act, 1881, or the power of any Court by order to compel the production of any will.

When any such order is made, the Registrar shall, unless the will has been already copied under Rule 24, open the cover and cause the will to be copied into his book No. III and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.

26. *Time from which registered document operates.*—A registered document shall operate from the time it would have commenced to operate if no registration thereof had been required or made, and not from the date of its registration.

27. *Registered documents relating to property when to take effect against oral agreements.*—All documents duly registered under these Rules and relating to any property whether movable or immovable shall

take effect against any oral agreement or declaration relating to such property unless when the agreement or declaration has been accompanied or followed by delivery of possession.

28. *Effect of non-registration of documents required to be registered.*—No document required by Rule 5 to be registered shall—

- (a) affect any immovable property comprised therein, or
- (b) confer any power to adopt, or
- (c) be received as evidence of any transaction affecting such property, unless it has been registered.

29. *Register Books to be kept in several offices.*—The following books shall be kept in the office of every Registrar:—

Book I.—“ Register of non-testamentary documents relating to immovable property ”.

Book II.—“ Record of reasons for refusal to register ”.

Book III.—“ Register of wills and authorities to adopt ”.

Book IV.—“ Miscellaneous Register ” for documents not relating to immovable property.

Book V.—“ Register of Deposits of wills ”.

Books I, II, III and IV only shall be kept in the office of every Sub-Registrar.

30. *Duties of registering officers when documents presented.*—(a) The day, hour and place of presentation and the signature of every person presenting a document for registration shall be endorsed on every such document at the time of presenting it;

- (b) a receipt for such document shall be given by the registering officer to the person presenting the same; and
- (c) every document [admitted to]<sup>1</sup> registration shall without unnecessary delay be copied in the proper book in proper order indexed as may be prescribed.

31. *Particulars to be endorsed on documents admitted to registration.*—On every document admitted to registration there shall be endorsed from time to time the following particulars, namely:—

- (a) the signature and address of every person admitting the execution of the document;
- (b) that of every person examined in reference to it;
- (c) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document and any admission of receipt of considera-

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<sup>1</sup> Substituted by Notification No. 20, dated the 28th April, 1927. *W. I. S. Agency Gazette*, 1927, p. 119.



tion in whole or in part made in his presence in reference to such execution.

If any person admitting the execution of a document refuses to endorse the same the registering officer shall nevertheless register it but shall at the same time endorse a note of such refusal.

32. *Endorsements to be dated and signed by registering officer.*—The registering officer shall affix the date and his signature to all endorsements made under the last preceding Rule relating to the same document and made in his presence on the same day.

33. *Certificate of registration.*—When the provisions of these Rules have been complied with the registering officer shall endorse on the document a certificate containing the word “Registered” together with the number and page of the book in which the document has been copied.

Such certificate shall be signed, sealed and dated by the registering officer and shall then be admissible for the purpose of proving that the document has been duly registered in the manner provided by these Rules and that the facts mentioned in the endorsements referred to in Rule 32 have occurred as therein mentioned.

34. *Endorsements and certificate to be copied and document returned.*—The endorsements and certificate referred to in Rules 32 and 33 shall thereupon be copied into the margin of the Register Book.

The registration of the document shall thereupon be deemed to be complete and the document shall then be returned to the person who presented it.

35. *Power to administer oaths and record substance of statements.*—Every registering officer may at his discretion administer an oath to any person examined by him under the provisions of these Rules.

Every such officer may also at his discretion record the substance of the statement made by each such person and such statement shall be read over and if he admits the correctness of such statement it shall be signed by the registering officer.

Every such statement so signed shall be admissible for the purpose of proving that the statement therein recorded was made by the person and under the circumstances therein stated.

36. *Reasons for refusal to register to be recorded.*—Every registering officer refusing to register a document shall make an order of refusal and record his reasons in Book II and endorse the word “registration refused” on the document and on application made by any person executing or claiming under the document shall give him a copy of his reasons so recorded. No registering officer shall accept for registration a document so endorsed unless and until under the provisions hereinafter contained the document is directed to be registered.

37. *Appeal to Registrar from order of Sub-Registrar refusing to register a document.*—An appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration to the Registrar to whom such Sub-Registrar is subordinate; if presented to such Registrar within 30 days of the date of the order; and the Registrar may reverse or alter such order.

38. When a Registrar has refused to admit a document to registration any person claiming under the document may within thirty days from the date of the order of refusal apply to the District Court by petition for an order directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of the District Court's order.

39. Every such petition shall be numbered and dealt with as a plaint under the Code of Civil Procedure, 1908.

The District Court shall thereupon fix a date for inquiry into the petition and shall determine:—

- (a) whether the document has been duly executed, and
- (b) whether the requirements of the law for the time being in force have been complied with by the petitioner so as to entitle the document to registration.

40. If the District Court finds that the document has been duly executed and that the said requirements have been complied with it shall order the document to be registered and if the document be duly presented for registration within thirty days of the making of such order it shall be admitted to registration as hereinbefore provided.

#### *Table of Fees.<sup>1</sup>*

The following table of fees shall apply to the registration of documents and other matters connected with these Rules; and all fees for the registration of documents under these Rules shall be payable on the presentation of such documents:—

	Rs.	A.	P.
Compulsory registration of documents affecting immoveable property for every hundred words . . . . .	1	0	0
Minimum fee . . . . .	5	0	0
Optional registration of documents affecting immoveable property for every hundred words . . . . .	0	4	0
Minimum fee . . . . .	1	8	0
Registration of documents affecting movable property only for every hundred words . . . . .	0	4	0
Minimum fee . . . . .	1	0	0
Searching for entry by registering officer for every year for which the register or index is searched . . . . .	1	0	0
For a copy of document (over and above the usual copying charges) . . . . .	2	0	0

[W. I. S. Agency Gazette, 1925, p. 290.]

<sup>1</sup> For fees payable on the registration of wills and authorities to adopt, see Notification No. 16, dated the 27th March, 1926. Printed *infra*, p. 483.

*Rules for grant of sanads to Mukhtiar.*

*No. 10, dated the 1st March, 1926.*—The Hon'ble the Agent to the Governor General in the States of Western India is pleased, in supersession of all previous orders on the subject, to make the following Rules for the admission of persons to practise as Mukhtiar in the Thandars' Courts and for the grant of Mukhtiar's Sanads to such persons.

*Rules for the admission of persons to practise as Mukhtiar, both in Civil and Criminal Cases in the Courts of Thandars in the Western India States Agency.*

1. Sanads to practise as Mukhtiar in the Thana Courts of the Western India States Agency on both the Civil and Criminal side will be granted by the Judicial Commissioner on a recommendation in this behalf made by the Deputy Political Agent and the Political Agent of the Prant or Agency.

2. Ordinarily not more than three Sanads will be issued for each Thana Court and a Sanad will only be available for practice in the Thana Court to which it is limited, but this rule may be relaxed, both as to the Courts for which the Sanad is available, and as to the number of Sanads which may be issued for any particular Thana Court, whenever necessary.

3. In making recommendations for the issue of Mukhtiar's Sanads the character of the person applying for the Sanad and his legal qualifications should be inquired into, and some qualification for or experience in legal work should always be insisted on.

4. A Mukhtiar's Sanad may be suspended or revoked at any time by the Judicial Commissioner, for absence from the Court, or unprofessional practices, or misconduct of any kind; or, where it is shown that the services of Mukhtiar are no longer required, or for any other sufficient reasons, the Judicial Commissioner may refuse to issue any fresh Sanads, or to renew existing ones. All orders passed by the Judicial Commissioner under this rule will be final.

5. Subject to the provisions of the last rule, Sanads will be issued to suitable persons, and when necessary, on the payment of Rs. 10, which will be credited to the Thana Fund of the Court for which they are issued, and will be renewable on the payment of an annual fee of a like amount, also to be credited to the Thana Fund.

Every application for the issue of a Mukhtiar's Sanad, or its renewal, should be accompanied by a receipt showing that a payment of Rs. 10 has been made to the Thana Fund.

6. All existing Sanads will continue to be renewable until they lapse, or are surrendered, or are cancelled or revoked by the Judicial Commissioner, on any of the grounds stated in rule 4.

7. No person shall be entitled to the grant of a Mukhtiar's Sanad, or to its renewal, as of right, the grant of one being purely discretionary.

8. All Sanads will be issued in the Form A of the Appendix to these rules.

## APPENDIX.

### FORM OF SANAD.

#### *Mukhtiar Sanad.*

To an inhabitant of

In accordance with the rules made by the Hon'ble the Agent to the Governor General in the Western India States Agency in this behalf and on the terms and conditions set out in the said rules, you are hereby appointed a Mukhtiar of the Court of the Thandar of and you are permitted to practise on both its civil and its criminal side from                      day of                      192                      , to the                      day of                      192                      .

Renewed from                      to

Renewed

Renewed

[W. I. S. Agency Gazette, 1926, p. 44.]

#### *Political Courts Rules, 1926.*

No. 30, dated the 26th April, 1926.—In exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor-General in Council in the Notification of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf, the Hon'ble the Agent to the Governor General in the States of Western India is pleased, in supersession of all previous Notifications on the subject, to prescribe with effect from the date of this Notification, the following revised rules for defining the jurisdiction (original and appellate) to be exercised by the Political Courts of the Western India States Agency and for regulating the right of appeal, limitation by time, and payment of Court-fees by parties in regard to political suits and appeals.

Provided that when any proceedings pending on the date of this Notification have been commenced before a Political Court vested with jurisdiction under any notification hereby superseded and such Court is vested with a like or superior jurisdiction by this Notification the pro-

ceedings shall as far as such Court is concerned be carried on in accordance with the rules promulgated in this Notification for proceedings in such Court.

### I.—*Courts.*

The Courts of the Western India States Agency which are empowered to hear and dispose of political suits or appeals are:—

- (i) The Deputy Political Agents' Courts which expression includes the Court of the District Deputy Political Agent in the Banas Kantha Agency.
- (ii) The Political Agents' Courts.
- (iii) The Court of the Agent to the Governor General in the States of Western India.

### II.—*Jurisdiction of Courts.*

2. The following suits should ordinarily be considered political:—

- (i) Suits to which any of the States named in Schedule A is a party.
- (ii) Cases affecting the interests of the jurisdictional Chiefs in regard to sovereign rights, jurisdiction, succession, inheritance, partition, tribute or allied payments, maintenance to the members of the Chief's family, compensation for injury done by out-laws or highway robbers (Walter), territory, boundaries, political status or prerogative.
- (iii) Cases affecting the interests of the non-jurisdictional Talukdars and their sub-sharers in regard to sovereign rights of resumption, tribute or allied payments, \* \* \* \* \*  
<sup>1</sup>cases which raise an issue of a right of succession, partition or inheritance to any estate in which any such Talukdar has an interest, direct or indirect <sup>2</sup>[and where the non-jurisdictional estate is one with a revenue exceeding Rs. 500, maintenance to the members of the Talukdars and his sub-sharer's family and all questions connected with such maintenance.]

3. (a) The Courts of the Deputy Political Agents possess an original jurisdiction in political suits of all descriptions without limit as to value in respect of the cases mentioned in Rule 2 (iii).

(b) The Courts of the Political Agents possess an original jurisdiction in political suits of all descriptions without limit as to value in respect of the cases mentioned in Rule 2 (i) and (ii).

<sup>1</sup> Omitted by Notification No. 37, dated the 21st May, 1928. *W. I. S. Agency Gazette*, 1928, p. 122.

<sup>2</sup> Added by ditto.

4. Political suits should be filed in the Court of the Deputy Political Agent or the Political Agent within the local limits of whose jurisdiction the cause of action arises, as the lowest Court competent to try them, but the Agent to the Governor General may transfer a suit for trial from any Deputy Political Agent's or Political Agent's Court to any other Court mentioned in Rule 1.

5. If the Judge of a Political Court considers that any suit filed in his Court should be heard as a Civil Suit, he shall refer the question to the Political Court to which he is subordinate, whose decision shall be final. Such a reference shall also be made on the application of any party to such a suit.

### III.—*Appeals.*

6. (a) An appeal shall lie from the decision of a Deputy Political Agent's Court to the Court of his Political Agent. A further appeal shall lie from the appellate decision of the Political Agent's Court to the Court of the Agent to the Governor General whose decision shall be final:

Provided that when the appeal involves some substantial question of political law, or practice, a further appeal shall lie to the Governor General in Council on the Agent to the Governor General's certifying that the case is a fit one for further appeal.

(b) An appeal shall lie from the original decision of a Political Agent's Court to the Court of the Agent to the Governor General.

7. The Agent to the Governor General may at his discretion refer to the Judicial Commissioner for hearing or report, either the whole of an appeal, or any point arising therein which he considers requires judicial investigation.

8. A further appeal against the decision of the Court of the Agent to the Governor General under Rule 6 (b) shall lie to the Governor General in Council.

### IV.—*Limitation.*

#### A.—APPEALS TO THE COURTS OF THE POLITICAL AGENTS.

9. The period for presenting appeals to the Courts of Political Agents from the decisions of the Deputy Political Agents in political cases shall be limited to sixty days with the same qualifications as to the calculation of the period as apply to civil cases; provided that this period may at the discretion of the Deputy Political Agents be extended to four months.

#### B.—APPEALS TO THE COURT OF THE AGENT TO THE GOVERNOR GENERAL.

10. The period for presenting first and second appeals to the Court of the Agent to the Governor General from the decisions of the Political Agents in political cases shall be respectively sixty and ninety days with

the same qualifications as to the calculation of the period as apply to civil cases.

11. These periods may at the discretion of the Political Agents be extended to four and six months respectively if the appellant obtains a certificate from the Political Agents within thirty days of the receipt of his decision that the case is one which entitles him to this extended period of limitation.

#### C.—APPEALS TO THE GOVERNOR GENERAL IN COUNCIL.

12. The period for presenting appeals to the Governor General in Council from the decisions of the Agent to the Governor General in political cases shall be six months with the same qualifications as to the calculation of the period as apply to civil cases.

13. This period may, at the discretion of the Agent to the Governor General be extended to twelve months if the applicant obtains a certificate from the Agent to the Governor General within thirty days of the receipt of his decision that the case is one which entitles him to this extended period of limitation.

#### D.—REVIEWS.

14. All applications for review of a decision or an order passed by the Political Agents, the Agent to the Governor General or the Governor General in Council shall be governed by the limitation prescribed for appeals thereto. The period for presenting applications for review of a decision or an order passed by the Deputy Political Agents shall be limited to 60 days. All applications for review of a decision or an order shall be limited to cases in which—

- (i) the judgment or decision is appealable but no appeal has been made, and,
- (ii) there is no further appeal;  
and in every case sufficient cause shall be shown for entertaining the application.

#### V.—*Manner of submitting appeals and rejoinders.*

15. Appeals to the Courts of the Political Agents,\* the Agent to the Governor General,† and the Governor General in Council‡ shall be submitted to the Deputy Political Agents, the Political Agents, and the Agent to the Governor General respectively, accompanied

\* With 2 spare copies.

† Do.

‡ With 4 spare copies.

by authenticated copies of the judgments and decisions of the lower Courts and by certified translations of any documents on which the suit has been brought or may be relied on in appeal.

16. The Court to which the appeal is submitted shall not call upon the respondent to submit a rejoinder to the appeal until it has been asked for by the Appellate Court. If the Appellate Court calls for a rejoinder, the Court to which the appeal was submitted shall cause one copy of the appeal to be served on the respondent with a notice requiring him to submit any reply he may wish to make to it in duplicate and within thirty days from the service of such notice, provided that such time may be extended to sixty days at the discretion of such Court.

#### VI.—*Court-Fees.*

17. No Court-fees for the institution or filing of political suits or appeals, or for applications made at any stage of the proceedings connected therewith shall be levied from the parties concerned:—

Provided that when—

- (a) the suit is brought by an unprivileged person whose claim is rejected or otherwise fails, and
- (b) the Court which passes the final decision considers that such claim was false and vexatious, or that there was no reasonable or probable ground for the same;

such Court may order the recovery from such unprivileged person of Court-fees for the institution of the suit at the rates which would be leviable under the scale of the fees for the time being in force under the Agency Civil Court Rules.

#### SCHEDULE A.

##### *States.*

Junagadh.	Lakhtar.	Darbar Shri Mulu
Nawanagar.	Sayla.	Surag of Jetpur.
Bhavnagar.	Chuda.	Darbar Shri Kantha
Porbandar.	Vala.	Vala of Jetpur
Dhrangadhra.	Jasdan.	Bilkha.
Morvi.	Manawadar.	Patdi.
Gondal.	Thana-Devli.	Palanpur.
Jafrabad.	Vadia.	Radhanpur.
Wankaner.	Lathi.	Tharad.
Palitana.	Muli.	Wao.
Dhrol.	Bajana.	State of Malek Jora-
Limbdi.	Virpur.	warkhan of Varahi.
Rajkot.	Malia.	
Wadhwan.	Kotda-Sangani.	





3. Whenever it shall appear to the satisfaction of the Political Agent of a Division, whether upon inquiries made of his own motion or upon a report of a subordinate officer or upon an application from a Talukdar or a Girassia that any such Talukdar or Girassia is either personally or in respect of his landed estates, subject to debts or liabilities of such an amount that there is no reasonable anticipation that they can or will be liquidated in any other way, he may—

(1) if the estate is non-jurisdictional notify by an order published in the *Western India States Agency Gazette* that the said estate is from the date of such notification an encumbered estate and is placed under management as provided by these rules,

(2) if the estate is jurisdictional recommend to the Agent to the Governor General that the estate of the said Talukdar or Girassia be dealt with under these rules as an encumbered estate.

4. The recommendation of the Political Agent in the case of an estate mentioned in rule 3 (2) above shall be in the form of a report containing the fullest ascertainable particulars.

5. The Agent to the Governor General on receiving such a report and after satisfying himself that it is a suitable case for the application of these rules, may by an order published in the *Western India States Agency Gazette*, notify that the said estate is from the date of such notification an encumbered estate and is placed under management as provided by these rules.

6. No management under these rules shall extend beyond the period of 20 years from the date of the aforesaid notification. At the end of that time, all debts and liabilities (except Government debts) existing at the time of the said notification and comprised in the scheme of liquidation hereinafter defined shall be deemed to be fully discharged and satisfied, for all intents and purposes whatsoever.

7. (1) For every estate so placed under management, a Manager shall be appointed, who shall manage the estate under the supervision and subject to the orders of:—

(a) The Political Agent if it is jurisdictional or non-jurisdictional outside Thana Circles.

(b) The Deputy Political Agent if it is situated within Thana Circles.

There shall vest in such Manager for the purpose of administering the said estate all the powers that could be exercised on the date of the said notification by the estate-holder and all and every right to movable

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<sup>1</sup> The words "Deputy Political Agent" shall mean the "District Deputy Political Agent" so far as Banas Kantha is concerned.

and immovable property to which the said estate-holder was, on the date of the notification, entitled, or which during the continuance of the management may be acquired by him or devolve on him.

(2) The owner of the estate is bound to furnish a list of all movable property in his possession and the Manager shall see that all ornaments and other property in the hands of the family, except such as are required for personal use, are duly produced before him for disposal.

Provided that for the purposes of clauses (1) and (2) of this rule the words "movable property" shall not be held to include house-hold goods or wearing apparel required for the personal use of the said estate-holder or any other member of his family.

(3) In the management of the estate the Manager may be assisted by auditors and other subordinates who shall be entrusted with such duties and powers as the Agent to the Governor General may determine.

Provided that all such subordinates as may be entrusted with the collection or custody of money shall furnish adequate security.

(4) The owner of the estate or any member of his family shall, with the sanction of the Agent to the Governor General, be eligible for employment under this rule.

(5) During the period of management the Political Agent or the Deputy Political Agent as the case may be, shall ordinarily exercise the same powers in respect to the estate as the owner exercised at the date of the said notification and he shall administer the estate, subject to the control of the Agent to the Governor General or the Political Agent and the Agent to the Governor General as the case may be, and shall in all cases submit for his information and approval such estimates, accounts, and other returns as the Agent to the Governor General may direct.

8. From the date of the said notification all proceedings pending in any Civil Court in respect of any debt or liability of the said estate-holder shall be for ever stayed, and the operation of all processes, executions and attachments issuing from any Civil Court upon the said attached estate shall become *ipso facto* null and void; and so long as the estate remains under management as an encumbered estate no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any such Court in respect of the said estate-holder's debts and liabilities.

9. (1) From the date of the said notification the owner of such estate or any member of his family shall become and shall remain so long as the management continues, incompetent, in respect of such estate:—

(a) to enter into any contract involving him in any pecuniary liability;

(b) to mortgage, charge, lease, or alienate the property under management or any part thereof;

(c) to grant valid receipts for the rents and profits arising or accruing therefrom. And the estate shall not in any way be liable for any of his acts done during such management.

(2) The disability of the estate-holders whose estates have been placed under management and the exemption of their estates from the operation of the Civil Courts as described in rule 8 shall extend to property of every description, whether movable or immovable, and shall continue until a notification issues removing such estates from management.

10. It shall be the duty of the Political Agent of the Division in which the estate is situated to enquire into and adjudicate upon all claims against the estate.

Provided that the Agent to the Governor General may in his discretion transfer any claim or claims to any other Political Agent for disposal under these rules.

11. Within 15 days from the date of the publication of the said notification, the Political Agent shall publish in the *Western India States Agency Gazette* a notice in Gujarati calling upon all persons having claims against the estate-holder or the property under management to submit their claims in writing to him within three months from the date of such publication.

12. (1) Every claim so filed shall be in writing and shall be explicit. It shall give all particulars within the claimant's knowledge and shall wherever practicable be supported by documents upon which the claimant relies.

(2) The Political Agent shall ordinarily decline to accept documentary evidence which is not submitted with the statement of the claim hereinbefore mentioned.

13. If the document be an entry in any book, the claimant shall produce the book before the Political Agent, together with a copy of the entry on which he relies. The Political Agent shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original and recording a certificate on the copy to that effect, shall return the book to the claimant, and the certified copy shall be kept with the statement of the claim.

14. Every claim (other than a claim for Government debt) not notified to the Political Agent within the time and in the manner prescribed in rule 11 shall be deemed to have been duly discharged and shall be barred for ever.

Provided that it shall be within the competence of the Political Agent to allow a further period of three months within which he may satisfy the Political Agent that he had good and sufficient reasons for not filing

his claim within the prescribed period. But no order granting an extension of time shall be passed except in writing and in the form of a proceeding showing in the Political Agent's own handwriting his reasons therefor. Similarly when an extension under this rule is refused the Political Agent shall record his reasons in writing.

15. (1) When a claim has been duly made and received, the Political Agent shall endorse such claim in his own handwriting and number it in its order of priority. As soon as the period within which claims may be preferred has expired, the Political Agent shall, without delay, inquire, in their due order or otherwise as may best suit the public convenience, into all the claims which have been filed against the estate-holder and the estate.

(2) If within 12 months from the expiry of the period prescribed for the submission of the claims the Political Agent has not heard and adjudicated on all claims preferred against the jurisdictional estate, he shall report the fact to the Agent to the Governor General, with an explanation of the cause of delay, and shall state the time likely to be occupied in disposing of the outstanding claims.

16. (1) The Political Agent may, with the previous sanction of the Agent to the Governor General, appoint a Committee of Indian gentlemen of experience not exceeding three in number, of whom not more than one may be in the service of the Agency, to assist him in deciding the claims that are admissible and the extent to which they are admissible under these rules. The Political Agent may fix such remuneration for each of the members of the aforesaid Committee as may appear reasonable to him. Any expenditure incurred under this rule shall be deemed to be part of the expenses of management.

(2) The Political Agent may, at his discretion, entrust to the Deputy Political Agent to the Division in which the estate is situated such part of an enquiry into a claim as concerns account matters only: provided that both parties shall be informed of the opinion of the Deputy Political Agent, and the Political Agent shall himself hear and dispose of any objections raised thereto by either party before final orders are passed on the claim.

17. In the case of claims against the estate, which have been awarded by a decree of a competent Court before the estate was declared to be an encumbered estate, the Political Agent, shall accept such decree as conclusive proof of the amount therein awarded; provided that:—

- (i) The Political Agent may go behind the decree for the purpose of securing that the amount allowed is not in excess of a sum made up as follows, *viz.*, the original debt or debts *plus* interest thereon to an amount equal to the original debt, less any sums paid on account in satisfaction either of

principal or interest; and shall disallow such part of the claim as is in excess of such sum.

- (ii) If the Political Agent has reasonable ground for believing that the decree has been obtained by fraud he shall be entitled to enquire into the history of the transaction as if no decree had been passed.

18. On a sum decree no interest shall be allowed in respect of the date of the notification under rules 3 and 5 or any subsequent period.

Subject to the above and to the provisos to rule 17, interest on sums decree shall be allowed as follows:—

- (a) Any interest awarded by the decree shall be allowed.
- (b) The Political Agent may, in his discretion, allow simple interest at 6 per cent. as running interest from the date of suit to the date of the said notification, if such interest has not been awarded by the decree.

19. Subject to rules 17 and 18, the Political Agent, shall inquire into all claims on the following principles:—

- (c) He shall first ascertain wherever possible the amount of the principal sum originally due to each creditor. The history of each case shall be studied carefully and traced as accurately as possible with a view to obtaining such information.
- (b) When he has satisfied himself as to the actual or approximate amount of the principal, he shall allow upon it simple interest at the rate of 6 per cent. per annum from the date on which the original debt was incurred to the date of the notification referred to in rules 3 and 5; and an amount not exceeding the aggregate sum so arrived at shall be awarded under these rules, provided that in no case shall the interest awarded exceed the principal. Interest on all claims inquired into under this rule shall cease from the date of the said notification.
- (c) If a claim is brought against the estate in respect of a debt incurred by a deceased estate-holder, the Political Agent shall disallow it unless—
  - (i) the original debt has been contracted with the written consent of the existing estate-holder, or
  - (ii) the debt has been admitted in writing by the existing estate-holder at any time after his succession to the estate and prior to the application of these rules, or,
  - (iii) the Political Agent has approved of the transaction by a written order recording his reasons therefor:

- ~ Provided that if during the inquiry it appears to the Political Agent that a claim or a part of a claim, which is inadmissible because it was incurred without the approval of the Political Agent, as required above, is deserving of such approval, he may, after such departmental inquiry as he may deem fit, record his reasons in writing and order the claim or any part of it to be allowed as having been incurred in the indisputable interests of the estate or family.
- (d) Should it appear that the interest already received by any claimant has amounted to double the principal the claim shall be dismissed.
- (e) Subject to the above general principles, the investigation and settlement of all points of detail shall rest with the Political Agent. The procedure to be followed should be, as nearly as conveniently may be, the procedure that is to be followed in the adjudication of civil claims. But the Political Agent will always have considerably more latitude than a Civil Court in dealing with evidence as, for instance, in going behind bonds to ascertain what the totals really consist of or in inquiry as to the degree of intelligent consent exercised by the estate-holder in respect of any transaction.
- (f) Subject to the provisions of rule 17, the Political Agent shall carefully investigate the real merits of every claim and satisfy himself that where a debt appears to be for value received, value was really received and that where a debt appears to be for service rendered, the service was actually rendered and was equivalent to the money value sought to be recovered.
- (g) It shall be within the competence of the Political Agent to refuse interest where the accounts are not reasonably satisfactory. Where the first principal cannot be satisfactorily traced, a deduction of 50 per cent. should be made from the amount of the debt as it appears when first there is satisfactory proof of it.
- (h) In the absence of a special provision allowing interest, no interest shall be allowed.
- (i) All payments made by the estate-holder to any creditor or profits which have been enjoyed by such creditor, towards the liquidation of any debt or liability, shall be deducted from the principal sum of the said debt or liability, and interest on an amount equal to such deducted sum shall be disallowed from the time of such payment or enjoyment. The Political Agent shall be empowered to decide the

amount to be so deducted or disallowed after examining such proofs as are presented to him.

- (j) In dealing with all claims against an estate, the Political Agent shall subject to paragraph (e) above, be guided by the Limitation Law, and Registration Rules for the time being in force in Agency Courts.

20. As soon as the total amount of debts and liabilities has been fully ascertained in the jurisdictional estate the Political Agent shall without delay prepare and submit to the Agent to the Governor General a schedule of such debts and liabilities in the order in which it is proposed to pay them off. He shall also, together with the schedule, submit a scheme to be called the liquidation scheme showing the manner in which it is proposed to pay and discharge the said debts and liabilities out of the available revenues of the estate, after making provisions for all expenses incidental to the management including the payment of Government dues, charges for establishment, repairs and improvements, and allowances for the maintenance and education of members of the estateholder's family and for necessary ceremonial observances. Such scheme shall also be communicated to the persons concerned. In the non-jurisdictional estates the Political Agent shall also prepare a similar schedule of debts and a liquidation scheme and shall communicate the liquidation scheme to the persons concerned.

21. Debts shall be liquidated in order of priority after satisfying Government preferential claims and subject to the following provisions:—

- (a) wages due for services rendered by any labourer, artisan, domestic or other servant, shall take precedence over all other debts;
- (b) debts secured on the estate shall take precedence over all debts not so secured;
- (c) decreed debts shall take precedence over bonded and account debts;
- (d) bonded debts shall take precedence over account debts.

Provided also that if it appears that the estimated revenues of the estate will not suffice for the payment of all claims allowed under these rules with or without interest within the aforesaid period of twenty years, such reduction shall be made (1) in the rate of interest and (2) in the ascertained principal debt in every case (including awards in respect of decreed debts) as may be necessary for the proportional liquidation of all debts in their several orders within the said period. Nothing in the above rules shall apply to the recovery of Government debts.



22. In the case of a jurisdictional estate the Agent to the Governor General shall consider any representation which any person dissatisfied with the liquidation scheme of the Political Agent may submit to him within six weeks of the date of the communication of such scheme by the Political Agent; and thereupon, or after such further inquiry as he may direct, he may sanction the liquidation scheme in the form which he finally approves. On sanctioning such scheme he shall, without delay notify it with such sanction in the *Western India States Agency Gazette*.

In the case of the non-jurisdictional estate the Agent to the Governor General shall consider any representation which any person dissatisfied with the liquidation scheme of the Political Agent may submit to him within six weeks of the date of communication of such scheme to such person. After the orders of the Agent to the Governor General are received on such a representation if any or a period of six weeks from the date of communication of the liquidation scheme whichever is later the Political Agent shall, if necessary, modify the scheme in accordance with the orders of the Agent to the Governor General and shall without delay notify the sanctioned scheme in the *Western India States Agency Gazette*.

23. The effect of the publication of the notification referred to in rule 22 shall be to extinguish finally all debts (other than Government debts) due from the estate to any persons whatsoever. Provided that any creditor whose name is entered in the liquidation scheme shall be entitled to receive the amount finally awarded to him therein in respect of such debt and nothing more;

Provided further that if the condition of the estate shall, at any subsequent period during the management, be found sufficiently prosperous to justify payments considerably larger than those awarded in the liquidation scheme nothing in these rules shall be deemed to debar the Political Agent or the Agent to the Governor General, as the case may be, from making a supplementary award on the general principles hereinbefore approved.

<sup>1</sup>[24(1) The Political Agent shall be empowered to require any mortgagee in possession of any part of the estate to deliver up possession to the Manager on such date during the then current revenue year as may appear appropriate; provided that ordinarily the date shall either be 1st May, if these Rules are applied to the estate before that date in the revenue year, or 31st October, if these Rules are applied to the estate after 1st May in the revenue year. On failure of the mortgagee so to surrender possession the Political Agent may summarily order his eviction or that of any person obstructing or resisting on his behalf. Nothing

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<sup>1</sup> Substituted by Notification No. 4, dated the 26th January, 1929. *W. I. S. Agency Gazette*, 1929, p. 21.

in this Rule shall be held to affect the rights of such mortgagee to receive under the liquidation scheme the amount, if any, awarded to him.

(2) In applying this Rule regard shall be had to the real nature of the transaction; and where possession has been transferred for the purpose of securing the payment of a debt, though under the form of a lease or in any other way; or where the consideration for a lease or other conveyance is either an outstanding debt or a new advance; the person so obtaining possession shall be treated as a mortgagee for the purpose of this Rule.

(3) If any part of the estate is in the possession of a person claiming to hold under a lease, other than a lease of the kind referred to in sub-rule (2), the Political Agent may inquire into the sufficiency of the consideration for which the lease was granted, and if such consideration appears to him insufficient, may by written order, at any time before the liquidation scheme has been sanctioned, either set aside the lease or require the person so in possession to pay such consideration for the said lease as the Political Agent thinks fit; and in default of such payment the lease shall be cancelled.

(4) Whenever the Political Agent sets aside or cancels a lease under sub-rule (3), he shall, by written order, award to the lessee such compensation, if any, as may be equitable in the circumstances; and, subject to the provisions of Rule 25, no compensation in excess of the amount so awarded shall be recoverable by the lessee in a Civil Court or otherwise.

(5) Any compensation awarded under sub-rule (4) shall be included in the Schedule referred to in Rule 20, and shall rank in priority to all other debts or liabilities other than debts or liabilities due or incurred to Government.

(6) If any lessee whose lease has been so set aside or cancelled refuses or neglects to give up possession when required to do so under the Political Agent's order, the Political Agent may summarily order his eviction or that of any person obstructing or resisting on his behalf.]

25. 1 (a) An appeal from any order passed or any act done by a Political Agent in respect of an inquiry or administration of an estate under these rules shall lie within six weeks to the Agent to the Governor General and the order passed by the Agent to the Governor General on such appeal shall be final.

(b) An appeal from any order passed or any act done by a Deputy Political Agent in respect of administration of an estate under these rules shall lie within six weeks to the Political Agent of the Division concerned and a further appeal shall lie within a period of six weeks to the Agent to the Governor General and the order passed by the Agent to the Governor General on such appeals shall be final.

(2) Such appeal may be referred by the Agent to the Governor General to the Judicial Commissioner for his opinion on a particular question of law or fact. The Judicial Commissioner may, in his discretion, hear the parties before giving his opinion, and if he considers that the appeal has been filed without any sound foundation of law or fact, may recommend the award of costs of such hearing against the appellant on the scale prescribed for civil appeals.

26. Every Manager appointed under these rules and every subordinate of such Manager shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code. And every investigation conducted before a Political Agent in respect of any claim preferred under these rules, or of any matter connected with such claim, shall be deemed to be a Judicial proceeding within the meaning of the Indian Penal Code.

27. No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to these rules.

28. For the purpose of any inquiry under these rules the Political Agent may summon and enforce the attendance of witnesses and may compel them to give evidence and compel the production of documents and accounts by the same means and as far as possible in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure.

29. Nothing in these rules shall exclude the jurisdiction of the Agency Courts in suits relating to the succession to, or to a co-parcenary interest in, any immovable property which has fallen under the operation of these rules.

Provided that in all such suits the Manager of the said estate shall be made a party to the suit and that no Court shall entertain any such suit without the sanction of the Political Agent or the Agent to the Governor General as the case may be.

30. When the debts and liabilities mentioned in the liquidation scheme have been paid and discharged as therein provided, a report shall be made to the Political Agent, or the Agent to the Governor General as the case may be, who shall publish in the *Western India States Agency Gazette* a notice fixing a date for the termination of the management.

31. On the date so fixed the management shall terminate and the owner shall be restored to the possession and enjoyment of the estate.

32. If an estate-holder dies after these rules have been applied to his estate and before the management has terminated, all claims against the estate shall be extinguished except—

(a) Government debts, or

(b) debts, which may have received the approval of the Political Agent. as described in rule 19 (c):

Provided that the Political Agent may notwithstanding after such inquiry as he may think fit, approve retrospectively and allow any claim in respect of a debt incurred in the indisputable interests of the family or estate, as stated in the proviso to rule 19 (c) above.

33. In conformity with the above rules.

- (a) the management shall continue in all respects as if such estate-holder were still living;
- (b) any person succeeding to the whole or any portion of the said estate by reason of the death of such estate-holder shall, while the management continues, be subject in respect of the property to which he has so succeeded to all the disabilities imposed by rule 9;
- (c) no Civil Court of the Agency shall during the continuance of the management issue an attachment or other process against any portion of the property under such attachment for or in respect of any debt or liability incurred by any such successor whether before or after he succeeds to such property.

34. No suit shall lie against any estate which shall have been under management under these rules on any contract, agreement or renewal bond entered into or executed after the termination of such management, if the original consideration for the said contract, agreement or renewal bond was any debt owed by the estate-holder during the period of management or any promise made by him during the said period or the payment of any sum or the incurring of any obligation for or on behalf of the said estate-holder or any member of his family during the said period, unless such contract, agreement or renewal bond was made by the order or with the previous written approval of the Political Agent, and in any suit by or against any estate-holder on any such contract, agreement or renewal bond the Court shall have power notwithstanding any recitals in the documents to enquire into the nature of the consideration for such contract, agreement or renewal bond.

[W. I. S. Agency Gazette, 1926, p. 160.]

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*No. 92, dated the 17th October, 1926.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>1</sup> of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf the Hon'ble the Agent to the Governor General in the States of Western India is pleased to prescribe in supersession of the Boiler Inspection Rules for the Kathiawar Agency, 1919, published at page 232 of the *Kathiawar Political Agency Gazette* for the year 1920 and all other rules made thereunder, the following rules for the inspection of boilers in the Western India States Agency:—

THE WESTERN INDIA STATES AGENCY BOILER INSPECTION RULES, 1926.

I.—*Preliminary.*

*Rule 1.*—(1) These rules may be called the Western India States Agency Boiler Inspection Rules, 1926.

(2) They shall come into force from the date of their publication in the *Western India States Agency Gazette* and shall apply to the whole of the territories included in the Western India States Agency.

(3) Nothing in these rules shall be deemed to apply to any boiler in any steam vessel or to any locomotive engine or boiler used upon or appertaining to any railway within the meaning of that word as defined in section 3, clause 4 of the Indian Railways Act, 1890, or to any boiler used exclusively for domestic purposes at an atmospheric pressure.

(4) In these rules unless there is something repugnant in the subject or context:—

- (a) “Boiler” means any closed vessel exceeding five gallons in capacity which is used expressly for generating steam under pressure for use outside such vessel and includes any mounting or other fitting attached to such vessel, which is wholly or partly under pressure, when steam is shut off;
- (b) “Owner” includes any person using a boiler as agent of the owner thereof and any person using a boiler which he has hired or obtained on loan from the owner thereof;
- (c) “Accident” means an explosion of a boiler or steam-pipe or any damage to a boiler or steam pipe which is calculated to weaken the strength thereof so as to render it liable to explode;
- (d) “Inspector” means a person appointed to be an Inspector under these rules;

- (e) "Prescribed" means prescribed by these rules;
- (f) "Steam-pipe" means any main pipe exceeding three inches in internal diameter through which steam passes directly from a boiler to a prime-mover or other first user and includes any connected fitting of a steam-pipe;
- (g) "Structural alteration, addition or renewal" shall not be deemed to include any renewal or replacement of a petty nature when the part or fitting used for replacement is not inferior in strength, efficiency or otherwise to the replaced part or fitting;
- (h) "Rule" means a rule framed by the Hon'ble the Agent to the Governor General in the States of Western India;
- (i) "Executive Engineer" means the Executive Engineer, Western India States Agency for the time being.

## II.—*Inspectors.*

2. (1) The Agent to the Governor General in the States of Western India may, from time to time, appoint one or more Inspectors for the purposes of these rules.

(2) The emoluments of the Inspectors and their staff shall be as determined by the Agent to the Governor General in the States of Western India, from time to time, by notification in the *Western India States Agency Gazette*.

(3) Every Inspector shall keep the following records, namely:—

- (a) A diary of the work which he performs from day to day in which he shall enter the name of each place visited; each piece of work performed by him under the rules; the fees and travelling allowance earned on account of such work and such additional particulars as he or his superior from time to time thinks necessary.
- (b) The Registration book and Memorandum of inspection book for each boiler inspected, in which he shall record his inspection notes and calculations; and
- (c) Such other statements and records as may, from time to time, be required.

(4) The Senior Inspector or when there is only one Inspector, the Inspector, shall also keep the following records, namely:—

- (a) A register in Form A of all boilers registered within the territories included in the Western India States Agency.



- (b) An index containing the designations of mills and factories in which the boilers are situated with their number and rating power, the names of the engineers in charge and the grade and number of their certificates.
  - (c) An account of fees and travelling allowance paid for inspection and
  - (d) such other records as may, from time to time, be required by the Agent to the Governor General in the Western India States Agency or in conducting the work of his office.
- (5) (a) In the performance of their duties the Inspectors shall be guided by \* \* \*<sup>1</sup> the Indian Boiler Regulations, 1924, except in so far as the said [Regulations]<sup>2</sup> may conflict with these rules and by Chapters II, IV and V of these rules. In addition to the inspection and examination of boilers, it is the duty of the Inspector, to search for unregistered or uncertificated boilers within their area and to see that the certified boilers are worked in accordance with the terms of their certificates and of these rules for their safe working.
- (b) It shall also be the duty of the Inspector to advise owners as regards the maintenance, working and cleaning of boilers. He should issue a set of instructions on the lines indicated in Form C of the Appendix. These instructions should be hung up in each boiler house. He should also advise the owner and the person in charge of the boiler on the management and upkeep of the boiler with special reference to the amount of cleaning required in view of the quality of water used.

### III.—*Inspection of Boilers.*

#### *Prohibition of use of unregistered or uncertificated boilers.*

3. No owner of a boiler shall use the same or permit it to be used :—
- (a) unless it has been registered in accordance with the provision of the rule 4 (4); or in case of any boiler which has been transferred from another area to this Agency, until the transfer has been reported as provided in rule 4 (3); or unless a certificate or provisional order authorizing the use of the boiler is for the time being in force under these rules; and
  - (b) at a pressure higher than the maximum pressure recorded in such certificate or provisional order; and
  - (c) unless the boiler is in charge of a person holding the certificate required under these rules.

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<sup>1</sup> Deleted by Notification No. 26, dated the 17th April, 1928. W. I. S. Agency Gazette, 1928, p. 95.

<sup>2</sup> Substituted by ditto.

IV.—ADMINISTRATIVE INSTRUCTIONS FOR REGISTRATION.

4. (1) *Importance of registration.*—The details of measurements recorded at the time of registration constitute a permanent record for the boiler and determine the original pressure at which the boiler is allowed to work. It is accordingly essential that the work should be done with the greatest care and precision.

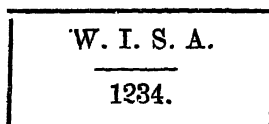
(2) *Receipt of application.*—Application for registration shall be made to the Inspector, accompanied by the sum of the fees prescribed in Schedule B. No application shall be accepted until the prescribed fee for registration is remitted with it. No boiler shall be registered if on measurement the fee is found to be deficient until the deficit has been paid. Any excess payment will be refunded at the time of registration.

(3) *Procedure on a transfer of a boiler.*—Whenever a boiler is transferred from another area to the Western India States Agency, the owner shall under rule 3 (a) apply to the Inspector for the registration of the transfer; the boiler cannot be used until registration has been effected. The Inspector shall then obtain from the area from which the boiler was transferred, the registration and memorandum of inspection book of the boiler. No fees shall be charged for recording transfers.

(4) *Registration.*—On receipt of application under sub-rule (2) the Inspector shall fix a date within 30 days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than 10 days' notice of the date so fixed. The Inspector shall register each boiler and shall allot to it a number corresponding to the number of the entry concerning it in the register of boilers. Such numbers shall be called the registry number of the boiler. It shall be communicated to the owner and shall, within such reasonable period as the Inspector may direct, be permanently marked upon the boiler by the owner thereof so as to be plainly visible.

(5) The registry number of the boiler shall be engraved in the front of the boiler in the manner prescribed under this rule.

Paper slips of the proper size bearing the registry number allotted to a boiler will be supplied by the Inspector and should be pasted on the front of the boiler pointed out by the Inspector. The device, distinguished by letters W. I. S. A. should be engraved above the number by a cutting tool and shall be enclosed in a rectangle as indicated below :—



V.—ADMINISTRATIVE INSTRUCTIONS FOR INSPECTION.

5. (1) *Receipt of applications.*—Applications for ordinary inspections shall be made to the Inspector, accompanied by the sum of the inspection fees as laid down in Schedule B of these rules. No application shall be accepted until the fee is remitted with it.

(2) *Procedure at inspection: internal inspection:*—The following general procedure at inspection should be observed:—

(a) At a thorough inspection of a boiler the Inspector should wherever the size and construction of the boiler permit, go inside it and make a thorough inspection of all its internal parts. But before doing so he should satisfy himself that provision has been made for disconnection from any other boiler under steam.

(b) Should he find that proper provision for disconnection has not been made or that the boiler has not been properly cleaned or scaled or that it is unreasonably hot he should decline to proceed with the inspection and should report the fact to the Executive Engineer for orders, who shall, unless sufficient cause to the contrary is shown, require the owner to file a fresh application and forbid him to use the boiler pending further inspection.

(c) When a boiler is of such a size or its construction is such that the Inspector cannot go inside it, there must be sufficient sight holes or hand holes provided to enable him to see the principal internal parts. If any important part of the boiler is so constructed that the Inspector cannot examine it, he should report the facts to the Executive Engineer for orders.

(3) *External inspection.*—Boilers must be examined externally as well as internally; particular attention should be paid to the external parts of the boilers where in contact with seating blocks and brick work especially when the situation is damp. Having regard to many serious defects discovered, the Inspector should take care in order to ensure proper inspection that boilers, of which the whole of the outside cannot be readily examined, are cleared whenever he considers it necessary of any concealing covering supports or fittings.

Saddle tanks and engine fittings of locomotive type boilers should be removed for inspection of the parts underneath at the first inspection and at any reasonable period afterwards if the Inspector cannot satisfy himself. If the owners in any special case have any good reasons for not wishing to clear covered parts the case should be submitted to the Executive Engineer for orders. The Inspector must keep in mind that

he is not to certify as efficient any boiler regarding the condition of which he cannot thoroughly satisfy himself.

(4) *Repairs to boilers.*—The sanction of the Inspector to all repairs proposed for boilers must be obtained beforehand. A few water tubes or smoke tubes however, may in an emergency be renewed pending the sanction of the Inspector. Generally in repairing boilers the object to be obtained is to make up for damage or wastage by suitable compensation, either by renewal or repair of the part affected. Covering patches applied with the object of hiding defects are a source of danger and must not be passed.

(a) Welding by electric and oxy-acetylene processes may be employed in the repairs of boilers, but as the efficiency of the welding depends largely on the skill and the care of the operator each case will have to be decided on its merits. An Inspector should, whenever possible, be present during some part at least of the welding operations.

(b) Extensive repairs such as renewal of furnaces and plates, parts of shell, fire boxes, &c., should be supervised, so far as his other duties permit, by the Inspector, and at such times when fire box and smoke tubes of locomotive type boilers are withdrawn, advantage should be taken of the opportunity to inspect the internal parts otherwise inaccessible to close inspection.

(5) *Entries in Memorandum of Inspection Books.*—An Inspector shall, as soon as convenient after an inspection, make the necessary entries in the Memorandum of Inspection Book for the boiler. Inspection notes should briefly state to what extent boilers were cleared of brick work, lagging or concealing parts; the general condition of the boiler; parts requiring attention or repair and if special preparation is required at the next inspection. The Inspector should also note in the Memorandum of inspection books all casual visits, inspection of steam pipes, visits for inspection of repairs, inquiry into accidents, etc., and so provide a useful record of the history of the boiler for the information and guidance of the Inspector at subsequent inspections. In making inspections it is important that the Inspector should pay particular attention to entries made in the Memorandum of Inspection Book at previous inspections.

(6) *Entries in Certificates.*—A Certificate for the use of a boiler shall be granted in the form as shown in Schedule A. In the Certificate shall be entered the maximum pressure at which the boiler shall be worked, the load to be placed on the safety valves or the thickness of washers or ferrules required as a safeguard against overloading, the date and pres-

sure of the last hydraulic test of the boiler and, when applicable, of the main steam pipes prescribed. The Inspector should also state in the remarks column his requirements, if any, with regard to hydraulic test, removal of lagging, brick work or other concealing part for the next inspection to enable owner to have the same properly prepared at that time. He should also state in the same place his requirements regarding the repair or renewal of any part that may be considered fit only for the period of the certificate. In the repairs column should be entered the year of repair and description of repair effected. Only important repairs should be noted. His remarks should be brief. In the absence of remarks on the condition of boiler the boiler will be considered to be in good condition.

6. (1) *Arranging for Inspections.*—In arranging for inspections the Inspector shall give to the owner not less than 10 days' notice in Form B. If a hydraulic test is necessary in addition to the ordinary inspection ample notice should be given to the owner.

(2) *Facilities to be afforded for examination by the owner.*—The owner or person in charge of any boiler so to be examined shall—

- (a) afford to the Inspector all reasonable facilities for such examination and all such information as may reasonably be required by him;
- (b) provide, in the case of a new boiler about to be registered, a dimensioned drawing, specification and certificate of tests of material for the boiler, such certificate or a copy thereof being duly signed by the maker of the boiler and bearing a number corresponding with the makers' number of the boiler.
- (c) previously arrange that:—
  - (i) the boiler shall be empty and cool and shall be cleaned inside and outside;
  - (ii) the fire-flues shall be swept;
  - (iii) the fire-bars and fire-bridges shall be removed;
  - (iv) the blow off and other cocks and valves shall be taken apart for the purpose of examination;
- (d) if required by the Inspector, cause any lagging, brick work or masonry in contact with the boiler to be removed;
- (e) during the examination keep the boiler effectively disconnected from any steam or hot water connection with any other boiler.

(3) If the owner fails without reasonable cause to comply with the provisions of sub-rule (2) the Inspector shall refuse to make the examination and report the facts to the Executive Engineer for orders. who

shall require the owner to file a fresh application and may forbid him to use the boiler pending further inspection.

7. (1) *Grant of certificates and provisional orders.*—If the Inspector is satisfied that the boiler, its steam-pipe and the appurtenances attached thereto are in good condition and the registry number is properly marked he should issue a certificate within forty-eight hours of the completion of inspection.

(2) Every original or renewed certificate granted under this rule shall be in the form of, and contain the particulars specified in, Schedule A. Every such certificate shall be granted for a period of twelve months, unless it shall appear to the Inspector improbable that the boiler, its steam-pipe and the appurtenances closely attached thereto will remain in good condition for so long a period, in which case the certificate shall be granted for such shorter period as the Inspector in his discretion deems fit.

(3) In the case of a boiler in respect of which no certificate has been previously granted, the Inspector shall, if he is unable to issue a certificate at once, grant to the owner, within forty-eight hours next after his examination of the boiler, a provisional order in writing specifying the pressure at which such boiler may in his opinion, pending the issue or refusal of a certificate, be worked; and it shall be lawful for the owner to work the boiler in accordance with such provisional order until a certificate in respect thereof has been granted or refused or until the expiry of the period specified in such provisional order, whichever period is less. Where he proposes to issue a provisional order, the Inspector must satisfy himself that the boiler is fit to be worked at the maximum pressure and for the period entered in the provisional order.

(4) *Provisional orders to be issued after hydraulic test.*—Provisional orders should be issued in every case of registration after hydraulic test of a boiler if the Inspector is satisfied. The steam test may be witnessed at any convenient time within the period of the provisional order after which, if the test was satisfactory, the certificate under clause (1) above is to be issued.

(5) No provisional order granted under this rule shall have any force in respect of any boiler for a longer period than six months or after a certificate or a renewed certificate has been either granted or refused in respect of such boiler or after the receipt by the owner of such boiler from the Executive Engineer or from any person generally or specially empowered by the Executive Engineer in this behalf of a requisition in writing for the surrender of such provisional order.

8. (1) *Renewal of certificates.*—A certificate authorising the use of a boiler shall cease to be in force:—

(a) on the expiry of the period for which it was granted; or

- (b) when any accident occurs to the boiler; or
- (c) when the boiler is moved, the boiler not being a vertical boiler the heating surface of which is less than 200 square feet or a portable or vehicular boiler; or
- (d) when any structural alteration, addition or renewal is made in or to the boiler; or
- (e) if the Inspector in any particular case so directs, when any structural alteration, addition or renewal is made in or to any steam-pipe attached to the boiler; or
- (f) on the communication to the owner of the boiler of an order of the Inspector prohibiting its use on the ground that it or any steam-pipe attached thereto is in a dangerous condition; or
- (g) when the Executive Engineer has withdrawn or revoked its certificate or provisional order under rules 10 (1) and 14 (2).

(2) When an order is made under clause (f) of sub-rule (1), the grounds on which the order is made shall be communicated to the owner with the order.

(3) When a certificate ceases to be in force, the owner of the boiler may apply to the Inspector for a renewal thereof for such period not exceeding twelve months.

(4) An application under sub-rule (3) shall be accompanied by the prescribed fee and, on receipt thereof, the Inspector shall fix a date, within 30 days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than ten days' notice of the date so fixed, provided that when the certificate has ceased to be in force, owing to the making of any structural alteration, addition or renewal the Inspector may dispense with the payment of any fee but the Travelling Allowance shall have to be paid by the owner under Schedule B.

9. *Duplicate certificates.*—A duplicate of any certificate granted under rule 7 or 8, which is at the time in force shall be granted by the Inspector on the application of the owner of the boiler, if the Inspector is satisfied that a duplicate is required for a *bonâ fide* purpose and the fees prescribed in Schedule B are paid.

10. (1) The Executive Engineer may at any time withdraw or revoke any certificate or provisional order on the report of the Inspector or otherwise—

- (a) if the boiler in respect of which it has been granted, has sustained injury or has ceased to be in good condition; or
- (b) if the boiler is in charge of a person not holding the certificate required by these rules.

(2) After such withdrawal, the boiler, in respect of which the certificate has been withdrawn in sub-rule 1 (a) shall not be worked again until a further examination has been made and a fresh certificate granted for such pressure and period not exceeding that specified in the certificate before its withdrawal, as the Inspector in his discretion deems fit.

## VI.—APPEALS.

11. (1) If the Inspector refuses to register a boiler or to grant or renew a certificate to the owner of any boiler or refuses to give the same for the full period applied for or for the pressure desired or withdraws a certificate or reduces the amount of pressure specified in any certificate, or the period for which such certificate has been issued, or orders any structural alteration, addition or renewal to be made in or to a boiler or to a steam-pipe or refuses sanction to the making of any structural alteration, addition or renewal in or to a boiler, or is of opinion that the boiler is not fit for use he shall be bound to give to such owner, within forty-eight hours, his reason for such refusal, in writing, and any owner deeming himself aggrieved by the decision of the Inspector, may within one month, from the date of the said refusal, make an appeal to the Executive Engineer, who is hereby empowered to enquire into and determine such appeal.

(2) *Filing of appeal.*—Every petition of appeal shall be made in writing either in English or in Vernacular.

(3) It may be either presented personally to the Executive Engineer or be sent to him by post but it shall not be considered to have been duly presented unless it is accompanied by payment of a fee of Rs. 50 which may be remitted in whole or in part by the Agent to the Governor General in the States of Western India.

(4) The petition of appeal shall be accompanied by the original of the reasons, given in writing by the Inspector for any action specified under sub-rule (1) taken by him in respect of a certificate or by a certified copy of such reasons.

(5) The petition shall state the grounds of appeal against the reasons given by the Inspector for such action.

(6) On receipt of an appeal the Executive Engineer shall issue a notice to the appellant stating a date, not later than ten days from the date of the receipt of the appeal on which it is proposed to hear the appeal and informing him that if he wishes to be heard in support of the appeal or to produce evidence he must be present either in person, or by an authorised agent, with his evidence on the date specified.



(7) The notice shall be sent to such address as shall be entered in the petition of appeal.

(8) If the petitioner is not present on the date fixed the appeal may be decided in his absence.

12. (1) The Executive Engineer may either reject the appeal or grant the owner a certificate for such period not exceeding twelve months and for such pressure as he thinks fit.

(2) Any order of appeal authorising the grant or renewal of certificate shall be deemed to be subject to the payment of such fees as are prescribed by Schedule B.

(3) The decision of the Executive Engineer shall be final.

13. (1) If the Executive Engineer is of opinion that the appeal is unfounded or frivolous, he may award any sum not exceeding one hundred and fifty rupees to be paid by the owner as costs.

(2) Any sum so awarded by the Executive Engineer shall be recoverable by the Political Agent of the Division in which the boiler is situate, from the owner as an arrear of Land revenue.

14. (1) The Executive Engineer, may, after such inquiry as he shall deem just revoke any certificate granted under rule 7 or 8 or 12 if there is reason to believe that such certificate has been fraudulently obtained, or erroneously granted, or has been granted without sufficient examination.

(2) After such revocation, the boiler in respect whereof the certificate has been revoked shall not again be used until a further examination shall have been made and a certificate granted by the Inspector with the countersignature of the Executive Engineer.

15. (1) It shall be lawful for an Inspector at any time to enter any place or building in which he has reason to believe that a boiler is being used, for the purpose of inspecting such boiler, whether the same be under pressure or not, or of satisfying himself that the provisions of rule 3 are being observed in respect of it.

(2) It shall be lawful for an Inspector to order the working of a boiler to be stopped only when that shall, in his opinion, be indispensable for the proper examination of a boiler. The reasons for any such stoppage shall be given in writing by the Inspector to the owner, on the owner's demand concurrently with the order of stoppage, and the owner shall thereon become subject to the provisions of rule 6 (3).

16. (1) If at any time during the period for which a provisional order under rule 7 (3) or a certificate under rule 7, 8, 12 or 14 has been

granted, no structural alteration, addition or renewal shall be made to the boiler to which such provisional order or certificate relates, unless the same has been sanctioned in writing by the Inspector.

(2) Before the owner of any boiler registered under this Act, makes any structural alteration, addition or renewal in or to any steam-pipe attached to the boiler, he shall transmit to the Inspector a report in writing of his intention and shall send therewith such particulars of the proposed alteration, addition or renewal as may be prescribed.

• VII.—*Accidents.*

17. (1) If any accident occurs to a boiler or steam-pipe, the owner or person in charge thereof shall, within twenty-four hours of the accident, report the same in writing to the Inspector. Every such report shall contain a true description of the nature of the accident and of the injury, if any, caused thereby to the boiler or to the steam-pipe or to any person and shall be in sufficient detail to enable the Inspector to judge of the gravity of the accident.

(2) *Investigation of accident.*—On receipt of a report of an accident to a boiler or steam-pipe under sub-rule (1) the Inspector should with the least possible delay proceed to the place to investigate the accident.

(3) *Procedure during inquiry.*—The Inspector at his inquiry shall make a careful examination of the damaged parts and shall take such measurements and make such sketches for the purpose of his report as he may deem necessary. He shall inquire into the circumstances attending the accident and note the time of its occurrence, its nature and extent, the injury caused to persons and the damage done to the property.

(4) *Power to hold inquiry in writing.*—An Inspector is authorised to take the written statements of witnesses and all persons immediately concerned with the accident. The Inspector should present to the owner or person in charge of the boiler, a series of written questions on all points that are material to the inquiry.

(5) *Use of boiler after accident.*—The Inspector must decide whether the use of the boiler can be permitted at the same or at a lower pressure without repairs or pending the completion of any repairs or alterations that he may order. In no case should he issue a provisional order or renewal certificate until his orders have been carried out.

(6) *Unreported accidents.*—If in the course of an inspection or at any other time, the Inspector discovers damage which comes within the definition of an accident, but which has not been reported, he should report the facts at once to the Executive Engineer for action under rule 25 (d).

18. (1) The owner of any boiler who has obtained a provisional order or certificate therefor shall, at all reasonable time during the period for which such provisional order or certificate is in force, be bound to produce the same when called upon to do so by the Inspector or by the Executive Engineer or by the Political Agent, or the Deputy Political Agent, or the Superintendent of Police, or Magistrate of the First Class having jurisdiction in the place in which the boiler is situate.

(2) A person who becomes owner of a boiler during the period for which a provisional order or certificate therefor is in force shall be entitled to receive the provisional order or certificate from the preceding owner and shall be subject to the provisions of sub-rule (1).

#### VIII.—*Boiler Attendants' Rules.*

##### *Persons in charge of Boilers.*

19. (1) *No boiler should be used without competent person in charge.*—Subject to the proviso below no boiler as defined in sub-rule (4) (a) of rule 1 that is liable to inspection under these rules shall be used within the Western India States Agency unless there is a fit and proper person in immediate attendance and charge who is employed by the owner for the purpose of attending to the working of the boiler.

Provided that the restrictions contained in this rule shall not apply to a boiler of such capacity and used for such purpose as may be specified by the Agent to the Governor General in the States of Western India by notification in the *Western India States Agency Gazette*.

(2) *Competent persons must possess certificate; extent of qualifications.*—No person who does not possess a certificate of competency or a certificate of service granted under the Bombay Boiler Inspection Rules, 1924, or the Bombay Boiler Inspection Act, 1917, or under similar rules made by other Local Governments or administrations in British India, shall be deemed a fit and proper person to be in attendance and charge of a boiler; and no holder of any such certificate shall be deemed a fit and proper person to be in attendance and charge of any boiler except to the extent of his qualification indicated by his said certificate.

##### *Certificate.*

20. (1) *Capabilities of holders of certificates.*—Certificates of competency granted under Bombay Boiler Rules, 1924, shall be of two classes. A certificate of the first class shall qualify the holder thereof to be in charge of a set of connected boilers of any kind or capacity or of so many separate or connected boilers belonging to the same owner, so situated that no one of them is distant more than 150 feet

from any other of them, and a certificate of the second class shall qualify the holder thereof to be in charge of any single separate boiler.

(2) *Equivalence of certificates.*—Holders of certificates of proficiency, granted under Part III of the Bombay Boiler Rules, 1924, and holders of certificates of competency or of service as first and second class engineers granted under the Bombay Boiler Inspection Act, 1917, will, for the purpose of rule 19 (2), be deemed to hold certificates of competency of the first class under Part II of the Bombay Boiler Rules, 1924, and holders of certificate of competency or of service as third class engineers granted under Bombay Boiler Inspection Act, 1917, will be deemed to hold certificate of competency of the second class under Part II of Bombay Boiler Rules, 1924.

(3) *Service certificates.*—Any person being in possession of a certificate as shown in Form IV in the Appendix to Parts II and III of the Bombay Boiler Rules, 1924, or similar form under the rules made by other local Governments or administrations in British India, shall be deemed to be a fit and proper person in charge of boiler as indicated by the said certificate.

A certificate of service so obtained shall have the same effect as a certificate of competency granted under Bombay Boiler Rules, 1924.

21. (1) *Limit of daily period of attendance, reliefs allowed and sphere of action.*—For the purpose of rule 3 (c)—

- (a) A person in charge of a boiler will be held to be in immediate attendance and charge of the same when he is within one hundred and fifty feet of such boiler.

An attendant in charge of boilers for which a certificate of the first class is required may be relieved of charge in any one day for not more than two periods which combined are not to exceed two hours in duration by a person holding a certificate of the second class. In special cases the holder of a first class certificate may, with the consent in writing of the Inspector, be relieved by a person holding the certificate of the second class for a period which may extend to seven consecutive days.

- (b) A holder of a certificate of the third class granted under the Bombay Boiler Inspection Act, 1917, or the holder of a certificate of competency of second class granted under Part II of the Bombay Boiler Rules, 1924, will be deemed to be a competent person to have charge, in relief of a duly qualified engineer, of boilers in use at night supplying steam for heating the mill or for any other minor purpose, notwithstanding that the boilers or set of boilers to which it may belong.

(c) *When boiler is deemed to be in use.*—A boiler will be deemed to be in use when there is active fire in the furnace fire-box or fire-place for the purposes of heating the water in the boiler. When the fire is removed, extinguished or effectively banked so that no appreciable heat passes from the fire to the water and all steam and water connections are closed, a boiler will be deemed to be not in use.

(2) An engineer or an attendant in charge of a boiler who authorizes or permits it to be worked in his absence by an incompetent person will be held responsible for any accident or damage that may happen thereby to the boiler.

(3) *Owner to furnish Inspector with particulars of certificate.*—Any owner of a boiler who engages a person to be in charge of it shall at once furnish to the Inspector particulars of the person with the grade, number, date, and place of issue of his certificate.

(4) *Holder to produce certificate when called for by authorized person.*—The holder of a certificate shall at any reasonable time during his charge of a boiler produce his certificate when called upon to do so by any of the persons empowered under rule 18 (1) to call for the production of the certificate or provisional order of the boiler.

*Inquiries into conduct of persons in charge of boilers.*

22. (1) *The Political Agent to hold enquiry.*—If the Political Agent has reason to believe, from any cause whatever, that an inquiry should be made to ascertain whether a person in charge of a boiler, is incompetent or addicted to drugs or drunkenness or has been guilty of any serious misconduct or negligence it shall be his duty to inquire into such allegation.

He may either make such inquiry personally or cause it to be made by his Deputy.

(2) The inquiry shall be held in the presence of the person whose conduct forms the subject of the inquiry who shall be allowed to make any statement he may wish to make and to produce evidence in his defence. He shall on demand forthwith give up his certificate to the Political Agent and abide by the result of the inquiry.

If on inquiry the person in charge of a boiler is found guilty for any cause shown in sub-rule (1) the Political Agent shall make inquiry and forward to the Hon'ble the Agent to the Governor-General the record of such recommendation with regard to the suspension or cancellation of the person's certificate as he may think fit.

IX.—*Penalties.*

23. Any owner of a boiler who refuses or without reasonable excuse neglects:—

- (a) to surrender a provisional order as required by rule 7 (4); or
- (b) to produce a certificate or provisional order when duly called upon to do so under rule 18 (1); or
- (c) to make over to the new owner of a boiler a certificate or provisional order as required by rule 18 (2); or
- (d) works the boiler or permits the same to be worked at any time except while he has in his employ in immediate attendance and charge, for the purpose of attending to the working of a boiler a fit and proper person to be in attendance and charge thereof as required by rule 19 (1); and
- (e) any such person in charge or any other person, who shall work the same or permit or cause it to be worked in contravention of Chapter VIII of these rules shall be punishable with fine which may extend to one hundred rupees for each offence, and in case of a continuing offence [under sub-rule (d) of this rule] with an additional fine which may extend to one hundred rupees for each day after the first day, in regard to which, he is convicted of having persisted in the offence.

24. Any owner of a boiler, who, in any case in which a certificate or provisional order is required for the use of a boiler under these rules, uses the boiler either without any such certificate or provisional order being in force or at higher pressure than that allowed thereby, shall be punishable with fine which may extend to five hundred rupees and in case of a continuing offence, with an additional fine which may extend to one hundred rupees for each day after the first day in regard to which he is convicted of having persisted in the offence.

25. Any person who—

- (a) uses or permits to be used a boiler of which he is the owner and which has been transferred from one province to another without such transfer having been reported as required by rule 4 (3); or
- (b) being the owner of a boiler fails to cause the registry number allotted to the boiler to be marked on the boiler as required by rule 4 (5); or

- (c) makes any structural alterations, addition or renewal in or to a boiler or to a steam-pipe without first obtaining the sanction of the Inspector, when so required by rule 4 (5); or
- (d) fails to report an accident to a boiler or steam-pipe as required by rule 17 (1); or
- (e) tampers with the safety valve of a boiler so as to render it inoperative at the maximum pressure at which the use of the boiler is authorised under rule 5 (6),

shall be punishable with fine which may extend to five hundred rupees.

26. (1) Whoever removes, alters, defaces, renders invisible or otherwise tampers with the registry number marked on a boiler in accordance with the provisions of these rules shall be punishable with fine which may extend to five hundred rupees.

(2) Whoever fraudulently marks upon a boiler a registry number which has not been allotted to it, shall be punishable with imprisonment which may extend to two years or with fine or with both.

Provided that no proceeding shall be taken to enforce the penalties mentioned in this rule before three months after these rules shall come into force.

27. Offences not provided for above shall be punishable with a fine which may extend to one hundred rupees.

28. All offences against these rules shall be cognizable by the Deputy Political Agent of the Division in which the offence is committed.

29. No charge shall be brought against any person of any offence punishable under these rules except within six months after the commission of the offence, nor shall any such charge be brought except with the sanction or under the direction of the Political Agent of the Division in which such offence is alleged to have been committed.

30. (1) Any fee or travelling allowance lawfully due under these rules, which has not been paid on demand duly made, shall be recoverable by the Political Agent as an arrear of Land Revenue.

(2) \* \* \* <sup>1</sup> Penalties levied under these rules shall be credited to the Kathiawar Consolidated Local Fund, which shall be liable for the expenditure which may be ordered from time to time to be incurred for the proper working of the aforesaid rules provided that the total expenditure during the year does not exceed the receipts.

<sup>2</sup>(3) [All fees, costs and travelling allowance of the Inspector shall be recovered direct by him. and he shall furnish to the Accounts and Finance Officer, Rajkot, on the 1st May of each year, a statement showing all recoveries on this account made by him in the past financial year.]

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<sup>1</sup> Deleted by Notification No. 20, dated the 17th March, 1928. IV. I. S. Agency Gazette, 1928, p. 77.

<sup>2</sup> Inserted by ditto.

SCHEDULE A.

[See Rules 5 (6) and 7 (2).]

*Certificate for the use of a boiler.*

Registry Number of boiler.	Type of boiler.	Boiler rating.	Place and year of manufacture.	Name of owner.	Situation of a boiler.	Repairs.	REMARKS.

I hereby certify that the above described boiler is permitted by me under the provisions of clause (6) of rule 5 and clause (2) of rule 7 of the Western India States Agency Boiler Inspection Rules, 1926, to be worked at a maximum pressure of                      lbs. to the square inch for the period from                      to

The loading of the                      safety valve is not to exceed

I further certify that the main steam-pipe was tested hydraulically to a pressure of                      lbs. per square inch last on

Fees rupees                      paid on

Dated at

This                      day of                      19                      .

Inspector of Steam Boilers,  
 Western India States Agency.

*Provisional order under rule 7 (3).*

are hereby permitted to use the                      boiler (Registry No.                      ) made by                      and bearing maker's Number                      at a maximum pressure of                      lbs. per square inch pending the issue of a certificate within six months from the date hereof, after which period this order will become void.

Dated                      19                      .

Inspector of Steam Boilers,  
 Western India States Agency.



## SCHEDULE B.

[See Rule 5 (i).]

Maximum rates of fees leviable for first registration and inspections of boilers under rules 4 (2) and 5 (1) subject to the conditions specified hereunder:—

		Rs.
(1) For Boiler rating not exceeding 100 . . . . .		40
(2) For Boiler rating exceeding 100 but not exceeding 300 . .		50
(3) For Boiler rating exceeding 300 but not exceeding 500 . .		60
(4) For Boiler rating exceeding 500 but not exceeding 700 . .		70
(5) For Boiler rating exceeding 700 but not exceeding 900 . .		80
(6) For Boiler rating exceeding 900 but not exceeding 1,100 . .		90
(7) For Boiler rating exceeding 1,100 . . . . .		100

*Explanation.*—The rating of a boiler is the number of square feet (to the nearest whole figure) in its heating surface. A fee paid for the inspection of a boiler shall cover thorough inspection, hydraulic test and steam test where such are necessary. An additional fee of Rs. 10 will be leviable for each visit of the Inspector in every case in which the owner or person in charge fails to prepare at the time appointed the boiler, steam-pipe, or its appurtenances for the purpose specified in the Inspector's written notice, when such notice has been duly served, except when such failure was in the circumstances unavoidable.

A second fee will be leviable for re-inspection in any case where the inspection of a boiler is begun, but owing to the fault or the neglect of the owner or person in charge, is not completed, within a period of six months from the date of commencement of inspection.

In both the above cases no extra fee shall be levied except with the sanction of the Executive Engineer.

A double fee will be leviable for the inspection of a boiler that is not situate in a place for which an Inspector has been expressly appointed by the Hon'ble the Agent to the Governor General in the States of Western India if the owner or person in charge, after due notification, fails to avail himself of the services of the Inspector during the usual period for visiting the District.

In addition to the above mentioned fees, the owners of boilers will also pay the travelling allowances of the Inspectors according to the Fundamental Rules. The Inspectors' travelling allowances should also be paid by the owner of the boiler in the following cases:—

- (i) at hydraulic test of a boiler; or
- (ii) steam test of a boiler; or
- (iii) investigation of an accident to a boiler; or
- (iv) paying visits for repairing a boiler; or

(v) inspecting or examining a boiler or any steam-pipe attached thereto when in use under rule 15 (1).

Fee for duplicate certificate under rule 9—Rs. 3.

APPENDIX TO CHAPTER II OF THE WESTERN INDIA STATES  
 AGENCY BOILER INSPECTION RULES.

FORM A.

BOILER INSPECTION DEPARTMENT.

*Register of Boilers.*

(Rule 2.)

1	2	3	4	5	6	7	8	9
Registry Number.	Type of boiler.	Boiler rating.	Name of manufacturer.	Year and place of construction.	Date of registration.	Name of owner.	Place where in use.	REMARKS (transfer, etc.)

FORM B.

INDIAN BOILERS ACT, 1923 (ACT V OF 1923).

*Notice for examination of Boiler under Rule 6 (1).*

No. of 19 .

BOILER INSPECTION OFFICE,

Dated 19

To

In reply to your application dated.....you are hereby informed that Boiler Registry No. at the above named premises will be thoroughly examined by the Agency Inspector on the

To enable the examination to be made, you are bound :—

- (a) to afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required of you;
- (b) to have the boiler properly prepared and ready for examination in the prescribed manner; and
- (c) in case of an application for the registration of a boiler, to provide such drawings, specifications, certificates and other particulars as may be prescribed.

Receipt No.....for Rs.....accompanies.

Inspector of Boilers.

(See reverse for preparation required.)

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(Reverse of Form B.)

#### PREPARATION FOR EXAMINATION.

##### (a) *Preparation for Inspection.*

At every examination of a boiler for the grant or renewal of a certificate, the boiler should be empty and thoroughly clean in all its parts. All doors of manholes, handholes, and sight-holes and cleaning plugs and all caps in the headers and mud-drums of water tube boilers, all firebars, bearers, front plates, bridge plates, fire-bridges, brick-arches, oil fuel burners and mechanical stoker fittings shall be removed. All valves and cocks comprising the boiler mountings shall be opened up and taken apart and the valves or cocks ground, when necessary, before the Inspector's visit. Provision shall, if required by Inspector, be made for the removal of lagging or brickwork or other concealing part and for the drilling of plates and for verifying the pressure gauge and safety valve dimensions and weights. All smoke tubes exterior of water tubes, smoke-boxes, and external flues shall be swept clean.

Provision shall be made for the effective disconnection of all steam and hot water communication with any other boiler under steam. This shall be effected either by the removal of a length of pipe from the steam and feed piping or by the insertion of substantial blank flanges. Where blank flanges are employed they shall be inserted between the flange of the chest and the pipe attached to it. No blank flange shall be inserted between a safety valve chest and the boiler.

*(b) Preparation for Hydraulic Test.*

The chest of all mounting subject to steam pressure shall be in place and shut tight or blank-flanged. The safety valve shall either be jammed down or removed and the chest-opening blank-flanged. The attachment for the Inspector's pressure gauge and the nipple for connecting the Inspector's test pump hose shall be in order.

All doors shall be properly jointed and tightened up. The boiler shall be completely filled with water, care being taken to allow all air to escape and if possible, a preliminary test not exceeding the working pressure of the boiler shall be taken before the Inspector's visit to test the tightness of the joints. When a boiler is hydraulically tested for the first time, it shall be entirely cleared of lagging or brickwork; at subsequent tests the lagging or brickwork or portions thereof, shall be removed if required by the Inspector.

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FORM C.

[See Rule 2 (5) (b).]

GENERAL WORKING OF BOILERS.

*Instructions to Boiler Attendants.*

These instructions should be frequently and carefully studied, with a view to keeping in mind the precautions to be observed, and the ordinary procedure to be followed in the safe working of boilers.

*Precautions before starting the Fires.*

Before starting the fires in a boiler, the attendant should:—

- (1) see that there is sufficient water in the boiler and that the gauge cocks are working freely;
- (2) ease safety valves, or open cock on top of boiler to allow air to escape;
- (3) see that the blow-off cock is fully closed and tight;
- (4) see that the safety valves and feed check valve are free and workable;
- (5) see that water is not leaking from any part of the boiler;
- (6) note if the pressure gauge pointer is at zero;
- (7) see that the feed pump is in working order.

He must not rely on the supposition that the water he has previously put in is still in the boiler, as it may have run out without his know-

ledge through a leak or open cock, nor can he be sure that the gauge glass shows the true water level until he has tested it. This is done in the following manner: shut off the lower gauge cock and empty the glass by the drain cock; then shut the drain cock and open the gauge cock; if everything is in order, the water will then rise in the glass to the same height as before.

*Raising steam.*—In getting up steam in all types of boilers the operation should be as gradual as circumstances will allow. Nothing turns a new boiler into an old one sooner than getting up steam too quickly. Forcing the fires when starting work is liable to cause straining of the seams and tubes of the boiler. In the case of the large boilers, generally, steam should not be got up in less than six hours. Before getting up steam, the water level should be observed, to ensure that water is at the proper height in the glass, the pressure gauge noted, and the safety valves tried to see they are free. The blow-off cock should be examined to see that it is completely shut and tight.

*Pressure gauge.*—The pressure or steam gauge should be kept in order, and be in such a position as to be easily seen by the boiler attendant. There should be a plain mark on it showing the highest pressure allowed for the boiler, and the dial should be kept clean so that the figures may easily be read.

*Steam pressure.*—Ordinarily the safety valve will prevent the steam from rising much more above the working pressure, but if the steam gauge shows so rapid an increase of pressure as to indicate danger of exceeding the highest limit, water should be immediately fed into the boiler and the dampers partially closed in order to diminish the effect of the fire. If, however, the water has fallen so low that there is danger of an accident from this cause, the fires should be withdrawn before feeding in water, the safety valves eased, and if the engine is at rest it should be started so as to reduce the pressure.

The safety valves are provided to guard against over pressure. They should be moved by hand every day so as to prevent them from sticking. If moved only occasionally, they are liable to leak.

The valve can be tested by slowly raising it a little, and when let down, it should close perfectly tight. It should never be opened by a sudden knock or pull. If it does not close tight turn it on its seat until it fits, or when its construction does not permit this, raise it slowly a few times and let it down again, but on no account must the valve be screwed down further or loaded more than what has been allowed by the Inspector.

Safety valves must never be overloaded, and spring valves should have ferrules or other provision against the valves being screwed down too far. In case of an accident resulting from wilful overloading the cul-

prit might be held criminally responsible at the official inquiry or inquest.

*Low water safety valves.*—If there is a low water safety valve, test it occasionally by lowering the water level to see that the valve begins to blow at the right point. It should give warning “before” the water level has sunk too low, and before damage can be done. When the boiler is opened, examine the floats and lever and see that they are free and that they give the valve the full rise. With the ordinary type of high-steam and low-water safety valve the float should be down at its lowest position and the valve full open when the boiler is empty.

*The water gauges.*—These will be kept in best order by frequently blowing through. The cocks are thus kept in good working condition without leaking. Blow through the drain cock at the bottom of the gauge and shut and open the steam and water cocks every few hours. These cocks should be blown through more frequently when the water is dirty. Should either of the passages become choked, or whenever the water in the gauge glass moves sluggishly the passages must be cleaned. This is best done with a wire. The gauge glass is so arranged that its top cock connects with the steam space and its bottom cock is below the water line. The water line will ordinarily be near the middle of the glass tube. Always test the glass water gauges thoroughly the first thing in the morning and at the commencement of every shift. This is done by first opening the drain cock and then shutting the upper cock which should give water; the upper cock should then be opened and the bottom cock closed—which should give steam; during this test the drain cock should be kept open.

If water and steam do not appear in proper order the cocks are choked and the passages should be cleaned. To lessen the risk of breaking the gauge glass the water cock should always be reopened after the steam cock.

Gauge glasses with a narrow white strip running the whole length of the glass on the side next the boiler are recommended as they show the water line more clearly, especially when the water is dirty.

Every water gauge glass should be fitted with a guard to prevent injury to the attendants. See that it is always in place, and clean, when there is steam in the boiler.

*Special note.*—It does not follow that there is plenty of water in the boiler because there is plenty of water in the gauge glass. The passages may be choked, and empty gauge glasses are sometimes mistaken for full ones, and explosions have resulted therefrom. Hence the importance of keeping the gauge cocks perfectly tight and clean and of blowing through the test cocks frequently.

A large number of accidents have been due to inoperative water gauge, and to negligence of the attendant in not carefully reading the water level.

*The blow-off-cock.*—The Blow-off should be used daily if the water is at all dirty or sedimentary, especially with Locomotive type and Vertical Boilers, as their narrow water spaces are liable to get choked with mud, which soon hardens into a solid mass. The amount of water to be blown out depends on the size of the boiler and can be determined only from experience. When blowing out the best result is obtained, if the water has been at rest for some time (say before the engine is started) thus giving the sediment time to settle: if the feed water is clean merely turn the cock round.

*The Scum Cock.*—When scum cocks are fitted, if the feed water is dirty, a little should be blown off daily; if the water is clean, merely turn the cock round. Before opening the scum cock see that the water is at the height indicated by the water-level pointer, otherwise the scumming will be ineffective. Water should be blown from the surface through the scum cock when steam is being drawn off, *i.e.*, when the engine or other machinery is working.

*Manhole and other Door Joints.*—When making such joints the jointing materials should never be of round-sectioned packing. Care must be taken that the spigot of the door is centrally placed in the hole, as many accidents have resulted from packing being blown out between the spigot and side of hole, even when the clearance was only  $\frac{1}{8}$ th of an inch. The nuts must be carefully and evenly tightened. Further tightening should be made during the process of heating up the boiler when raising steam.

*Steam Pipes.*—When properly arranged, should give no trouble. Frequently, however, they are so designed as to contain pockets, in which, while out of use, condensed steam accumulates. Such water is exceedingly dangerous and great care should be taken to see that the pipes are properly drained before the stop-valve is opened otherwise "water hammer" will take place even with the best designed steam pipes, and disastrous explosions, causing loss of life and property, may occur.

*Scale and Grease.*—Roughly speaking, scale offers a hundred times as much resistance to the passage of heat as does a similar thickness of steel or iron. A half inch furnace plate covered with  $\frac{1}{10}$ th inch scale is as efficient a heat retarder as a steel furnace 10 inches thick. Grease is about ten times worse than scale. In a boiler at work the temperature of a clean furnace plate is only slightly in excess of that of the water in the boiler; but if scale or grease is interposed between the water and the plate, the latter acquires a temperature more nearly approximating that of the flame with which it is in contact. If the fire is

fierce (artificial draught) the furnace tube may grow so hot that it elongates considerably. If in addition, cold air is admitted during each firing, a concertina action of the furnace takes place, which is one of the worst causes of boiler wear and tear.

*Wear and tear.*—Can be reduced and the life of a boiler prolonged if scale and grease are prevented from accumulating in a boiler. The combined effect of scale or grease and artificial draught are disastrous. Scale or grease also causes waste of fuel.

*Grease.*—A mixture of sedimentary water, soda, and grease produces an adhesive scum. Where this is suspected, the water level should never be lowered below the furnace top unless the boiler is afterwards entered and this scum cleaned off the furnace plate before firing again.

*Scale Removal.*—The customary method is not a satisfactory one. The boiler is emptied and then cooled down by opening all the man-holes, and the result is that the scale, which would otherwise be soft, hardens through contact with the air, and requires laborious clipping off.

A very effective but slower method is to retain the water in the boiler until cool, and not to run it out until the men are ready to enter the boiler with water hose, brushes and scrapers. The scale will then be soft and easily removeable.

If time is a consideration, the cooling can be accelerated by adding cold feed to the hot water in the boiler and slowly running off the cooled water. Another method is to blow off the boiler with the lowest possible pressure (not more than 20 lbs.) and to keep it closed until cold. The scale will then be easily removed.

*Treatment of feed water.*—Many feed waters require soda or other chemicals to arrest corrosion or to change the nature of the scale.

There is no harmless chemical which will remove scale or sediment when it has once got into the boiler and the only effective progress is to purify the feed water before it enters the boiler. By this means the sediment, and generally, too, the added chemicals, can be deposited in tanks or in filters and therefore never goes into the boiler. Excepting when the water obtainable is very good, water purifying apparatus ought to pay any boiler owner, particularly at those works where three or more boilers are in constant work. Boiler owners wishing to have definite advice as to the best treatment of their feed water should have it analysed at some Chemical Laboratory and ascertain the best treatment in the particular circumstances.

Special attention is drawn to the not infrequent but very bad practice of allowing the waste steam from the Engine Cylinders or pumps to be drained into the boiler Feed Water Tanks. The waste steam from cylinders is always mixed with a certain amount of oily matter, which will



be deposited in the feed water tanks and ultimately be pumped into the boiler, with possibly disastrous results, as it will be obvious to every careful boiler attendant that should the oil be deposited on the furnace crowns, they may become over-heated and collapse.

It should be the first care of the boiler owner, and the boiler attendant to see that the feed water is kept as pure as possible. Impure feed water means additional expense on the upkeep of the boiler.

*Preservation of Boilers when not in use.*—Steam boilers when not in use are liable to deterioration from corrosion, and unless well cared for and made rust-proof they may depreciate more rapidly than when in use. They should be thoroughly drained and thoroughly dried and all valves, cocks and openings closed so as to exclude moisture. Another plan is to fill the boiler with water to which about  $\frac{1}{100}$  per cent. caustic soda has been added.

*Special Instruction for Boiler No.*

This boiler should be opened up and thoroughly cleaned after a period of work which should not exceed..... A record of such cleanings be maintained and produced, when required by the Inspector.

Dated

*Inspector of Boilers.*

[W. I. S. Agency Gazette, 1926, p. 295.]

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*Legal Practitioners and Authorised Translators Rules, 1927.*

No. 57, dated the 21st October, 1927.—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the 'Notification of the Government of India. in the Foreign and Political Department No. 472-I. of the 3rd October, 1924, and of all other powers enabling him in this behalf, the Agent to the Governor General in the Western India States Agency is pleased, in supersession of the Notifications noted below to make the following Rules for the admission of Barristers, Advocates and Pleaders to practise in the Courts of the Western India States Agency and for the qualifications of persons to practise as authorised Translators and for the conduct of Pleaders and authorized Translators practising in the Agency Courts:—

1. Bombay Government Resolution, Political Department, No. 4746, dated the 30th July, 1890.

2. Bombay Government Resolution, Political Department, No. 4174, dated the 21st June, 1911.
3. Bombay Government Notification No. 1398, dated the 24th February, 1916.
4. Bombay Government Notification No. 1824, dated the 6th March, 1918.
5. Bombay Government Resolution, Political Department, No. 2022-A., dated the 26th March, 1919.
6. Agency Notification No. 46 of the 16th August, 1920.
7. Bombay Government Notification No. 3841, dated the 16th May, 1922.
8. Bombay Government Notification No. 864, dated the 1st August, 1923.
9. Bombay Government Notification No. 864-B., dated the 5th June, 1924.
10. Item No. 34 in Government of India Notification No. 471-I., dated the 3rd October, 1924.

1. *Short title.*—These Rules may be called the Western India States Agency Legal Practitioners (admission to practice of Barristers and Pleaders) and Pleaders and authorized Translators' Rules, 1927.

2. *Extent and application.*—They shall apply to the whole of the Western India States Agency and shall come into force on publication in the *Western India States Agency Gazette*.

3. *Saving.*—Nothing in this Notification shall be deemed to debar any Prince or Chief from being represented by his duly accredited Vakil, or from submitting a memorial or representation prepared by any person in his regular service, or any person from conducting his own suit or defence in any Agency Court, or from presenting a petition or memorial prepared by himself or by any person who is *bonâ fide* in his regular service, provided the name of such composer or writer is specified at the foot of it.

4. *Persons who may be admitted to practise.*—Persons with the following qualifications may, at the discretion of the Judicial Commissioner in the Western India States Agency, and if they satisfy him as to their general character and fitness, and subject to the conditions hereinafter prescribed, be admitted to practise in any Court of the Agency, and to draft English petitions or appeals to any officer or appeals to the Governor General in Council, from the decision of any Court or officer

in the Agency, and in token thereof will be granted Sanads on payment of the fees specified below :—

**Fees payable on admission—**

(1) Barristers and Advocates of any High Court .	Rs. 50.
(Barristers who have not qualified as Advocates will be called upon to pay an admission fee of Rs. 250 in addition to the above license fee)	
(2) Attorneys-at-Law . . . . .	} Rs. 30 for the first 5 years and thereafter Rs. 50.
(3) High Court Pleaders . . . . .	
(4) Persons who have passed the High Court Pleader's Examination . . . . .	
(5) Persons holding the degree of Bachelor of Law of an Indian University . . . . .	

Provided that when any qualified person has been granted a Sanad under these Rules and has allowed it to lapse for non-payment of the yearly fee, he will not be granted a fresh ' Sanad ' nor will his old one be renewed until he makes up the arrears that is the amount which would have been payable had his original ' Sanad ' been continued, from year to year in addition to paying the fee for the current year.

5. *Persons who may be admitted as authorized Translators.*—Persons of the undermentioned classes will, if they satisfy the Judicial Commissioner as to their general character and fitness and subject to the conditions hereinafter prescribed, be admitted as authorized Translators on payment of fee of Rs. 10 :—

- (1) Graduates of any Indian or European University.
- (2) Persons who have been qualified at an examination to be held periodically under the orders of the Judicial Commissioner, Western India States Agency.
- (3) Persons who have already practised as authorized Translators.

6. *Sanads to practise.*—Sanads granted to Barristers or Pleaders and authorized Translators will remain permanently in force subject to continued good behaviour, the discharge of duty with zeal and integrity under the Rules, and the payment of annual fees at the following rates :—

	Rs.
(a) Barristers-at-Law and Advocates of the High Court of Bombay . . . . .	50
(b) Pleaders whose Sanads authorize them to practise in all the Agency Courts, Rs. 30 for the first five years, and thereafter . . . . .	50
(c) Pleaders whose Sanads authorize them to practise in some of the Agency Courts only . . . . .	20

Provided also that any Barrister, Advocate, Attorney or Pleader of the High Court of Bombay or District Pleader may, at the discretion of the Court having jurisdiction be granted permission to appear or

plead, or may draft a petition or appeal in any particular case, on payment of a fee of Rs. 5 notwithstanding the fact of his not having obtained a Sanad under Rule 2.

7. *Unauthorized persons not to practise.*—No person who has <sup>1</sup>[not] obtained a Sanad under Rule 4 or special permission under Rule 6 shall be permitted to practise in any Agency Court; and no English petitions or appeals prepared by persons other than the aforesaid will be accepted by any Agency officer in any suit or proceeding or other business of a similar nature

8. *Translations made by unauthorized persons not to be accepted.*—No translation of a vernacular document tendered or required will be accepted by any Agency officer in any suit or proceeding unless it has been made and certified by an authorized Translator.

*Exception.*—A translation of a vernacular document may be accepted by any Agency officer if made and certified by an authorized Translator of the Mahi Kantha or the Rewa Kantha Agency for any party residing or owning property or carrying on business in such Agency.

9. *Fees to be charged for translations.*—The rate of fees fixed for the remuneration of authorized Translators is one rupee per folio of 144 words, and this includes the charge for transcription and authentication.

10. *When permission to appear may be refused.*—Permission to practise in the Agency Courts will extend to all cases of a judicial nature, whether classed as criminal, civil or political, unless the Court shall, for reasons to be recorded in writing, declare with regard to any particular case of a political character that permission cannot be granted. And this permission will not extend to a discussion of confidential matters affecting the domestic concerns of the Princes and Chiefs or their relations with the Paramount Power.

11. *Saving of certain provisions in other laws.*—Nothing in these Rules shall be deemed to affect provisions of the law analogous to those of Order I, Rule 12, Order III, Rules 1 and 2 of the Code of Civil Procedure, 1908 (Act V of 1908), and of sections 4 (1) (r) and 340 of the Code of Criminal Procedure, 1898 (Act V of 1898), or of any other similar enactments in force in the Agency Courts.

12. *Sanads now in force confirmed.*—All Sanads to plead held at the date of publication of these Rules are confirmed and shall be continued subject to the provisions of Rules 4 and 6.

13. *Supply of the Western India States Agency Gazette.*—The *Western India States Agency Gazette* will be supplied to all Barristers, Advocates, and Pleaders practising in the Agency Courts.

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<sup>1</sup> Inserted by Notification No. 12, dated the 19th January, 1928. *W. I. S. Agency Gazette*, 1928, p. 38.

## APPENDIX A.

### *Rules for the practice of Pleaders.*

1. *Vakilatnamas*.—A Pleader or Vakil shall not be allowed to act in any suit or proceeding until he has obtained from the party and filed in the Court a power-of-attorney (*Vakilatnama*) in the form contained in Appendix B, appointing him Pleader in the cause.

2. *Retaining Fee*.—When a party engages a Pleader to act on his behalf, he shall present him with one rupee as a retaining fee for which the Pleader shall grant him a written acknowledgment specifying the date of payment, and if the said retaining fee be not offered the Pleader shall demand it, and abstain from acting for such person or party until it has been paid.

3. *Pleader's duty to give receipt for all writings and documents received from clients*.—It shall be incumbent on a Pleader, at the time of receiving from his clients any accounts, writings, or documents, to give written receipts for them and to restore them when required.

4. *Scale of fees*.—(1) A Pleader employed in prosecuting or defending an original suit, or an appeal from an original or appellate decree, shall be entitled to a percentage of the amount sued for according to the rates specified in Appendix C or D as the case may be, as remuneration for his trouble in acting on behalf of his clients, until the decree in the suit is passed, and thereafter until such decree is satisfied.

(2) If in an original suit or in an appeal from a decree the valuation of the cause of action cannot be made with precision, *e.g.*, in suits for specific performance or injunction the Pleader's fee shall be calculated according to the scale specified in Appendix C on the amount decreed. Where no amount is decided fees shall be allowed according to the rates specified in Appendix D.

(3) When in a regular suit a specific hearing has been necessary to dispose of an interlocutory application the Court may in its discretion allow a special fee at the rates specified in Appendix D.

(4) Pleader's fees shall be allowed according to the rates specified in Appendix D in the following cases also:—

- (i) In suits under Schedule II of the Civil Procedure Code, 1908 (V of 1908), and in appeal from orders therein,
- (ii) In appeals from preliminary decrees,
- (iii) In any miscellaneous proceeding not being one involved in or necessary to the conduct of a suit or an appeal to decree including an application for a review of judgment.

5. *Reduced fees.*—If an acknowledgment of the demand is entered or a suit or appeal is withdrawn without coming to trial, the Pleader shall be entitled to one quarter of the authorized fee.

6. *Pleader's fees how recoverable.*—As against an opposite party, the fees may be considered costs of the suit, but not as between a Pleader and his client. As against his own client a Pleader shall be left to his remedy by regular suit.

7. *Saving of special agreements as to fees.*—The above Rules shall not operate to prevent an express agreement being entered into between Pleader and client for either a larger or smaller sum than the established fee; but no excess over the established fee shall be levied as the costs of the suit.

8. *Restriction on costs.*—Any party may engage two or more Pleaders to conduct his suit or defence, but the party found liable in costs shall not be answerable for more than the established fee, of one Pleader on behalf of the other party.

9. *Notice to Court of withdrawal of a Pleader's authority to act for a client.*—It shall be competent to a party at any time to withdraw the authority vested in a Pleader to act on his behalf on giving the Court notice in writing to that effect; but it shall not be competent to a Pleader to withdraw from acting on behalf of his client without the consent, or the special permission of the Court.

10. *Pleader unable to attend to give notice in writing to the Court.*—If a pleader is unable to attend the Court in consequence of indisposition or other necessary cause, he shall notify the same to the Court in writing, in which case proceedings in the suit shall be stayed for such time as the Court deems reasonable to enable the party to transfer by endorsement or otherwise his power-of-attorney (either temporarily or until the suit is terminated) to another Pleader.

11. *Stay of proceedings on resignation, dismissal or death of a Pleader.*—In case of resignation, dismissal or death of a Pleader, proceedings in the suit shall in like manner be stayed.

12. *When a general Vakilatnama will be recognised.*—It shall be lawful for a Pleader (approved by the Political Agent for that purpose) to act on a general 'Vakilatnama' on behalf of the Jurisdictional Princes or Chiefs provided a duplicate of such 'Vakilatnama' has been deposited with the Political Agent. In all other cases the 'Vakilatnama' must be for the particular case, and a general 'Vakilatnama' will not be recognised.

13. *A Pleader or authorized Translator convicted of a criminal offence may be suspended or dismissed.*—The Judicial Commissioner may suspend or dismiss any Pleader or authorized Translator holding a certificate issued under Rule 4 or Rule 5 who is convicted of any criminal

offence implying a defect of character which unfits him to be a Pleader or authorized Translator as the case may be.

14. *Any Pleader found to have been guilty of professional misconduct may be suspended or dismissed.*—The Judicial Commissioner may also after such enquiry, as he thinks fit, suspend or dismiss any Pleader or authorized Translator holding a certificate as aforesaid:—

- (a) Who takes instructions in any case except from the party on whose behalf he is retained, or some person who is the recognized agent of such party within the meaning of Code of Civil Procedure, or some servant, relative or friend authorized by the party to give such instructions, or,
- (b) who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or,
- (c) who tenders, gives or consents to the retention out of any fee paid or payable to him for his services, of any gratification for procuring or having procured the employment in any legal business of himself or any other Pleader or authorized Translator, or,
- (d) who directly or indirectly procures, or attempts to procure the employment of himself as such Pleader or authorized Translator through, or by the intervention of any person to whom any remuneration for obtaining such employment has been given by him, or agreed or promised to be so given, or,
- (e) who accepts any employment in any legal business through a person who has been, proclaimed as a tout under Rule 17, or,
- (f) for any other reasonable cause.

15. *Charge of professional misconduct to be served on Pleader accused of it. Inquiry and report to be made.*—If any Pleader or authorized Translator practising in any subordinate Court in the Agency is charged in such Court with taking instructions except as aforesaid or with any such misconduct as aforesaid, the presiding officer shall send him a copy of the charge, and also a notice that on a day to be therein appointed such charge will be taken into consideration.

Such copy and notice shall be served on the Pleader or authorized Translator at least fifteen days before the day so appointed.

On such day, or any subsequent day, to which the enquiry may be adjourned, the Presiding Officer shall receive and record all evidence properly produced in support of the charge, or by the Pleader or authorized Translator and shall proceed to adjudicate on the charge.

If such officer finds the charge established and considers that the Pleader or authorized Translator should be suspended or dismissed in consequence, he shall record his finding and the grounds thereof, and shall report the same to the Judicial Commissioner and the Judicial Commissioner may acquit, suspend or dismiss the Pleader or authorized Translator.

The District Judge of Kathiawar, or Banas Kantha or with his sanction any Judge subordinate to him and any District Magistrate in the Agency or with his sanction any Magistrate subordinate to him may, pending the investigation and the orders of the Judicial Commissioner suspend from practice any Pleader or authorized Translator charged before him under this section.

Every report made to the Judicial Commissioner under this section shall

- (a) when made by any Civil Judge subordinate to the District Judge, be made through such Judge;
- (b) when made by a Magistrate subordinate to the District Magistrate, be made through the District Magistrate and the Sessions Judge;
- (c) when made by the District Magistrate, be made through the Sessions Judge.

Every such report shall be accompanied by the opinion of each Judge or Magistrate through whom it is made.

16. *Appeal*.—The Judicial Commissioner in any case in which a Pleader or authorized Translator has been acquitted under section 15 otherwise by an order of the Judicial Commissioner may call for the record and pass such order thereon as he thinks fit.

17. *Lists of Touts to be kept*.—(1) The Judicial Commissioner, the District Judge, the Sessions Judge and the District Magistrate may frame and publish lists of persons proved to their satisfaction, by evidence of general repute or otherwise, habitually to act as touts and may, from time to time, alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge, may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

(5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout within the meaning of Rule 14 (e).



18. *Commencement of Rules.*—These Rules shall take effect from the date of their publication.

## APPENDIX B.

(See Rule 1.)

*Form of Power-of-attorney to enable a Pleader to act in a suit.*

In the Court of

Suit for rupees

Plaintiff.

against.

Defendant.

I, \_\_\_\_\_, plaintiff (or defendant, as the case may be), do hereby authorize \_\_\_\_\_ to appear and act as Pleader for me in the above suit.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 192

(Signed) \_\_\_\_\_ or the mark of the  
plaintiff or defendant.

## APPENDIX C.

*Statement showing the fees to which Pleaders are entitled for acting from the beginning till the end of a suit or regular, or special appeal, including execution of decree, when there is no special Rule nor specific agreement.*

	Per cent.
In suits for not more than Rs. 2,000 . . . . .	3
In suits for Rs. 2,000 to 10,000 inclusive, on Rs. 2,000 as above and on the remainder . . . . .	2
In suits from Rs. 10,000 to Rs. 20,000 inclusive, on Rs. 10,000 as above and on the remainder . . . . .	1
In suits for more than Rs. 20,000, on Rs. 20,000 as above and on the remainder . . . . .	$\frac{1}{2}$

## APPENDIX D.

	Minimum.	Maximum.
Court of the Judicial Commissioner . . . . .	30	100
Court of the District Judge . . . . .	20	50
Court of the Subordinate Judge . . . . .	15	40
Courts of Thandars . . . . .	5	15

[W. I. S. Agency Gazette, 1927, p. 350.]

*Appointment, remuneration and duties of Public Prosecutors and the Government Pleader.*

*No. 1, dated the 4th January, 1928.*—The Hon'ble the Agent to the Governor General in the States of Western India is pleased in supersession of the Kathiawar Agency Notification No. 5 of the 20th January, 1925, and Agency Circular No. 4 of the 2nd July, 1918, to make the following rules for the conduct of the legal affairs of the Agency, and for the appointment, remuneration and duties of the Public Prosecutors and of the Government pleader in the Agency:—

1. The Public Prosecutor, Kathiawar, shall ordinarily be appointed for a term of 3 years, and the appointment shall thereafter be terminable by 6 months' notice on either side.

2. He shall receive a salary of Rs. 100 a month and shall also be entitled to a fee of Rs. 30 for every day that he is actually engaged in criminal business, in the Court of the Judicial Commissioner, and to a fee of Rs. 1[20] for every day on which he is actually engaged in criminal business in the Chief Court of Criminal Justice, or in the Court of the Sessions Judge, Kathiawar.

(i) Separate fees shall not be paid in respect of appearances in more than one Court on the same day or for days on which a case is merely adjourned or judgment only pronounced unless the District Magistrate in consultation with the Courts concerned is satisfied that in the circumstances separate fees have been fairly earned.

3. In cases of unusual importance or difficulty or in which marked industry or ability has been displayed, the Judicial Commissioner may increase the daily fee to an amount not exceeding Rs. 50; 1\* \* \*

\* \* \* \* \*

A higher fee than Rs. 50 per diem in the Court of the Judicial Commissioner, and Rs. 1[20] per diem in the Chief Court of Criminal Justice, or the Sessions Court, Kathiawar, may be granted only with the sanction of the Hon'ble the Agent to the Governor General.

4. The Public Prosecutor's duties shall ordinarily be restricted to the Courts of the Judicial Commissioner, of the Chief Court of Criminal Justice and of the Sessions Judge, Kathiawar; but when so required by the Hon'ble the Agent to the Governor General or by the Judicial Commissioner or the Sessions Judge or by a Political Agent, he will appear in any criminal case in any court of the Agency. When the Public Prosecutor is directed to appear in a criminal case in any Court in the Agency below the grade of the Sessions Court, he shall be entitled to a daily fee at the rate allowable for criminal business in the Sessions

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<sup>1</sup> Substituted and omitted by Notification No. 66, dated the 11th August 1928. *W. I. S. Agency Gazette*, 1928, p. 222.

Court, and Rule 3 shall govern the grant of any enhanced fee for work done in any such Court.

5. The Public Prosecutor's duties shall be:—

- (a) To communicate with and advise Magistrates in respect to cases committed or to be committed, for trial in the Chief Court of Criminal Justice;
- (b) To prepare and watch prosecutions in trials before the Chief Court of Criminal Justice, and to see that the attendance of the necessary witnesses has been secured;
- (c) To conduct prosecutions under the provisions of the Criminal Procedure Code before the Chief Court of Criminal Justice;
- (d) To appear for the Crown in appeals and revision applications in the Court of the Sessions Judge, Kathiawar;
- (e) To appear for the Crown in appeals and revision applications in the Court of the Judicial Commissioner.

It shall also be the duty of the Public Prosecutor to originate or assume, such prosecutions as he may be directed to originate or assume by the Judicial Commissioner, or by the Sessions Judge, or by any Magistrate; and to bring to the notice of the District Magistrate any special circumstances connected with any trial, application or appeal, which seem to him to require attention.

6. When the Public Prosecutor is required to appear in any case in a Court situated elsewhere than at Headquarters, he shall be entitled to a fee to be fixed by the Judicial Commissioner, according to the circumstances of each case, but not exceeding Rs. 50 per diem for each day that he is necessarily absent from Headquarters. This fee is inclusive of travelling and all other expenses. A higher fee than Rs. 50 per diem will only be granted with the sanction of the Hon'ble the Agent to the Governor General. If the Public Prosecutor leaves Headquarters on duty, for which he receives no fee in addition to his pay, he is entitled to travelling allowances at Rs. 3 per day for the period of his absence from Headquarters, or at 4 annas per mile travelled otherwise than by Railway, and at 1½ 2nd class fare for any distance travelled by Railway.

7. When necessary one or more Assistant Public Prosecutors may be appointed for Kathiawar or Banas Kantha. The terms and conditions of such appointments shall be the same as that of the Public Prosecutor; except that an Assistant Public Prosecutor shall receive no salary, but shall be remunerated by fees only. An Assistant Public Prosecutor shall conduct such prosecutions and appear in such application and appeals as may be made over to him by the Public Prosecutor.

An Assistant Public Prosecutor shall be entitled to fees at the rate of Rs. 30 per diem when actually engaged in criminal business in the Court of the Judicial Commissioner; and to a fee of Rs. <sup>1</sup>[20] per diem for every day in which he is actually engaged in criminal business in the Court of Sessions or in the Chief Court of Criminal Justice, or in the Court of any Magistrate in the Agency. He shall be entitled to remuneration at an enhanced rate subject to the conditions and restrictions contained in rule 3.

8. The Public Prosecutor, Banas Kantha, shall ordinarily be appointed for a term of three years and the appointment shall thereafter be terminable by 6 months' notice on either side. His duties will ordinarily be confined to the conduct of criminal business in the Sessions Court, Banas Kantha, but he may be required to appear for the Crown in any criminal case in the Banas Kantha Agency by the District Magistrate, Banas Kantha. He shall be entitled to a daily fee at the rate of Rs. <sup>2</sup>[20] for every day in which he is actually engaged in criminal business in the Sessions Court, Banas Kantha, or in any other criminal Court in Banas Kantha Agency <sup>2\*</sup> \* \* \* \*  
 Any higher daily fee than Rs. <sup>2</sup>[20] will only be granted with the sanction of the Hon'ble the Agent to the Governor General.

9. The Public Prosecutor's duties shall be:—

- (a) To communicate with and advise Magistrates in respect of cases committed, or to be committed, to the Sessions Court, Banas Kantha;
- (b) To prepare and watch prosecutions in trials before the Sessions Court, and to see that the attendance of the necessary witnesses has been secured;
- (c) To conduct prosecutions under the provisions of the Criminal Procedure Code in the Sessions Court and to appear for the Crown in appeals and revision applications in the said Court, when heard at Palanpur;
- (d) To proceed to Rajkot to instruct the Public Prosecutor, Kathiawar, in any appeal or application from Banas Kantha to be heard in the Court of the Judicial Commissioner, when required so to do by the District Magistrate, Banas Kantha.

10. When the Public Prosecutor, Banas Kantha, is required to appear in any case in a court situated elsewhere than at Headquarters, he shall be entitled to a fee, to be fixed by the District Magistrate, Banas

<sup>1</sup> Substituted by Notification No. 86, dated the 20th September, 1928. W. I. S. Agency Gazette, 1928, p. 262.

<sup>2</sup> Substituted and omitted by Notification No. 66, dated the 11th August, 1928. W. I. S. Agency Gazette, 1928, p. 222.

Kantha, at the rates prescribed for the Public Prosecutor, Kathiawar, in Rule 6 above.

11. The Public Prosecutors, Kathiawar and Banas Kantha, shall not appear for an accused person in Criminal Court in the Western India States Agency without first obtaining the sanction of the District Magistrate of the District in which such Court is exercising jurisdiction.

12. Subject to the provisions hereinafter contained the Public Prosecutor, Kathiawar, shall also be Government Pleader for the Western India States Agency.

13. The Government Pleader shall be entitled to the usual fees allowable by the Courts according to law as costs in each civil case in which he is engaged on behalf of Government.

14. In cases in which no costs have been allowed by the Court, or the costs allowed are insufficient remuneration for the work done, the Judicial Commissioner may grant the Government Pleader a fee not exceeding Rs. 50.

15. In cases of unusual importance or difficulty, or in which marked industry, or ability, has been displayed the Hon'ble the Agent to the Governor General may grant the Government Pleader further special remuneration at a rate to be decided in each case.

16. It is the duty of the Government Pleader to appear for Government in applications for permission to sue *in forma pauperis* under Order XXXIII, Rule 6 of the Civil Procedure Code and to act, make applications, and appear on behalf of Government, or of any Government Officer, in any suit or other civil proceeding to which Government are a party, or the institution or the defence of which is undertaken by Government, or in any suit or other civil matter in which Government require his services, whoever the nominal party on whose behalf he is called on to appear may be, if Government determine that the case is one in which they have such an interest as to render it advisable that it should be conducted on their behalf: and also to appear (a) when so directed by the District Judge in support of an order imposing a fine or directing the arrest of a witness under the provisions of the Code of Civil Procedure and appealed against to the District Court, or to the Court of the Judicial Commissioner, and in any proceedings in the District and Sessions Court, or the Court of the Judicial Commissioner, regarding the alleged improper conduct of a pleader, when for any sufficient cause the District and Sessions Judge or the Judicial Commissioner is of opinion that a Government Pleader should be heard in support of the order or appear in the proceeding, and (b) when so directed by the Political Agent in any application made to him.

17. It shall also be the duty of Government Pleader to appear when instructed so to do by the District and Sessions Judge or the Political Agent in any proceeding before a Civil, Criminal or Revenue Court.

18. It is the duty of the Government Pleader, Western India States Agency, to advise without fee all local officers not only in respect of any proceedings whether civil or criminal which he has to conduct on behalf of Government or of any such officer, but also to the best of his ability in all legal matters which any such officer may refer to him concerning any Government business of any kind, or in any Department.

But this rule does not apply to the drafting of legal documents or conveyancing work which may be referred to him in connection with such business. For such work he is entitled to such remuneration as the Hon'ble the Agent to the Governor General may see fit to grant.

[*W. I. S. Agency Gazette*, 1928, p. 15.]

*Prevention of Gambling Rules, 1928.*

No. 39, dated the 25th May, 1928.—In exercise of the powers delegated under the Foreign Jurisdiction Order in Council, 1902, by the Governor General in Council in the 'Notification of the Government of India in the Foreign and Political Department No. 472-I. of the 3rd October, 1924, and of all other powers enabling him in this behalf, the Hon'ble the Agent to the Governor General in the States of Western India, is pleased to cancel so much of the Government of Bombay Notification No. 8944, dated the 17th December, 1912, as relates to the application of the Bombay Prevention of Gambling Act, 1887 (Act IV of 1887), to the Political Agency of Kathiawar, and to make the following Rules for the Prevention of Gambling in the whole of the territories included in the Western India States Agency as shown in the Schedule annexed to the said Notification of the Government of India other than those in which the Governor General in Council does not for the time being exercise legislative jurisdiction:—

*Rules for the prevention of gambling in the Western India States Agency.*

1. *Short title.*—These Rules may be called the Western India States Agency Prevention of Gambling Rules, 1923.

2. *Extent.*—They extend in the first instance to the Eastern and Western Kathiawar Agencies but all or any of the Rules may be extended<sup>2</sup> from time to time by the Agent to the Governor General by an order published in the *Western India States Agency Gazette* to any local area in the Western India States Agency.

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<sup>1</sup> Printed *supra*, p. 153.

<sup>2</sup> The Rules were extended to the Banas Kantha Agency by Notification No. 106, dated the 14th November, 1928. Printed *infra*, page 483.

The Agent to the Governor General may, from time to time, by an order published as aforesaid, cancel, or vary any order made by him under this Rule.

3. "*Instruments of gaming defined.*"—In these Rules, the expression "*instruments of gaming*" includes any article used as a subject or means of gaming and any document used as a register or record or evidence of any gaming.

"*Common gaming-house defined.*"—In these Rules "*common gaming-house*" means a house, room or place in which any instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, room or place, whether by a charge for use of the instruments of gaming or of the house, room or place, or otherwise howsoever.

4. *Keeping common gaming-house.*—Whoever—

- (a) being the owner or occupier or having the use of any house, room or place, opens, keeps or uses the same for the purpose of a common gaming-house.
- (b) being the owner or occupier of any such house, room or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid,
- (c) has the care or management of, or in any manner assists in conducting the business of any such house, room or place opened, occupied, kept or used for the purpose aforesaid,
- (d) advances or furnishes money for the purpose of gaming with persons frequenting any such house, room or place,

shall be punished

- (a) for a first offence with imprisonment which may extend to three months or with fine which may extend to five hundred rupees;
- (b) for a second offence with imprisonment which may extend to six months and, in the absence of special reasons to the contrary to be mentioned in the judgment of the Court, shall not be less than seven days, either with or without fine which may extend to one thousand rupees; and
- (c) for a third or subsequent offence with imprisonment which may extend to six months and, in the absence of special reasons to the contrary to be mentioned in the judgment of the Court, shall not be less than one month, together with fine which may extend to one thousand rupees.

5. *Gaming in common gaming-houses.*—Whoever is found in any common gaming-house, gaming or present for the purpose of gaming shall be punished with fine which may extend to two hundred rupees or with imprisonment which may extend to one month.

Any person found in any common gaming-house during any gaming therein shall be presumed, until the contrary be made to appear, to have been there for the purpose of gaming.

6. *Power to authorise entry of gaming-house by police officers.*—It shall be lawful for any Magistrate of the First Class or the Superintendent of Police, Western India States Agency or any Assistant or Deputy Superintendent of Police empowered by the Hon'ble the Agent to the Governor General in this behalf, upon any complaint made before him on oath that there is reason to suspect any house, room or place to be used as a common gaming-house, and upon satisfying himself after such enquiry as he may think necessary that there are good grounds for such suspicion, to give authority, by special warrant under his hand, when in his discretion he shall think fit, to any Inspector, or other superior officer of Police of not less rank than a Chief Constable,—

- (a) to enter, with the assistance of such persons as may be found necessary, by night or by day, and by force, if necessary, any such house, room or place, and
- (b) to take into custody and bring before a Magistrate all persons whom he finds therein, whether they are then actually gaming or not, and
- (c) *and seizure of gaming instruments*—to seize all instruments of gaming, and all moneys and securities for money, and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein, and
- (d) to search all parts of the house, room or place, which he shall have so entered, when he shall have reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he shall so find therein or take into custody, and to seize and take possession of all instruments of gaming found upon such search.

7. *Proof of keeping, or of gaming in, common gaming-house.*—When any instruments of gaming are found in any house, room or place entered under warrant issued under the provisions of the last preceding Rule or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, room or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no gam-



ing was actually seen by the Magistrate or Police Officer, or by any person acting under the authority of either of them.

8. *On conviction for keeping, or gaming in, common gaming-house instruments of gaming may be destroyed.*—On conviction of any person for opening, keeping or using a common gaming-house, or gaming therein, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein or on the persons of those who were found therein, to be forthwith destroyed, and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and the proceeds thereof, with all moneys seized therein, to be forfeited; or, in his discretion, may order any part of such proceeds and other moneys to be paid to any person appearing to be entitled thereto.

9. *Proof of playing for money not required for conviction.*—It shall not be necessary, in order to convict a person of any offence against any of the provisions of Rules 4 and 5, to prove that any person found gaming was playing for any money, wager or stake.

10. *Indemnification of persons concerned who are examined as witnesses.*—Every person who shall have been concerned in any gaming contrary to these Rules, and who shall be examined as a witness by or before a Magistrate on the trial of any charge against the owner, keeper or occupier or other person having the care or management of any common gaming-house, touching such gaming, and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect shall be freed from all prosecutions under these Rules for anything done before that time in respect of such gaming.

11. *Payment of portion of fine to informer.*—The Magistrate trying any case under the provisions of Rules 4 and 5 may direct any portion, not exceeding one-fourth, of any fine which may be levied under either of the said Rules, or any part of the proceeds of articles or moneys seized and ordered to be forfeited under Rule 8, to be paid to an informer.

12. *Power to arrest without warrant for gaming and setting birds and animals to fight in public streets.*—A Police Officer may apprehend without warrant:—

- (a) any person found gaming in any public street or thoroughfare, or in any place to which the public have or are permitted to have access;
- (b) any person setting any birds or animals to fight in any public street, or thoroughfare, or in any place to which the public have or are permitted to have access;

(c) any person there present aiding and abetting such public fighting of birds and animals.

Any such person shall, on conviction, be punished with fine which may extend to fifty rupees, or with imprisonment which may extend to one month.

*Seizure and destruction of instruments found.*—Any such Police Officer may seize all birds and animals and instruments of gaming found in such public street, thoroughfare, or place or on the person of those whom he shall so arrest, and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed, and such birds and animals to be sold and the proceeds forfeited.

13. *Saving of games of mere skill.*—Nothing in these Rules shall be held to apply to any game of mere skill wherever played.

[*W. I. S. Agency Gazette*, 1928, p. 127.]

**B.—SPECIAL LAWS APPLYING TO THE BANAS KANTHA<sup>1</sup>  
AGENCY.**

The Special Laws applying to the Banas Kantha Agency are those specified on pages 186 to 273 *supra* as applying to the Western India States Agency as a whole. In addition the following are separately in force:—

*General Acts.*

*Code of Criminal Procedure (Act V of 1898.)*

No. S.-62, dated the 31st March, 1924.—In exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>2</sup> of the Government of India in the Foreign Department No. 2859, dated the 19th June, 1903 and of all other powers enabling him in this behalf the Governor in Council is pleased to direct that the Courts of the Palanpur Agency<sup>3</sup> shall be guided generally in their procedure by the provisions *mutatis mutandis* and so far as they are applicable of the Code of Criminal Procedure 1898 (V of 1898) for the time being in force in British India except that the amendments made in section 284 of the said Code by section 15 of the Criminal Law Amendment Act 1923 (XII of 1923) shall be deemed not to be applicable to the said Courts.

[*Bombay Government Gazette*, 1924, Pt. I, p. 655.]

*Co-operative Societies Act, 1912.*

No. 3491, dated the 14th June, 1915.—In exercise of the powers delegated under the India (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>2</sup> of the Government of India in the Foreign Department, No. 2859-I. A., dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to apply the Co-operative Societies Act, 1912 (II of 1912), to the areas comprised within the following five Thana Circles of the Palanpur Agency,<sup>3</sup> namely, (1) Kankrej, (2) Deodar, (3) Warahi, (4) \* \* \*<sup>4</sup> Santalpur and the Japti estates under these thanas, so far as the same may be applicable.

Provided first, that references in the said enactment as so applied to British India shall be read as referring to the said areas and estates:

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<sup>1</sup> Formerly designated the "Palanpur Agency".

<sup>2</sup> Now superseded as regards the Western India States Agency, by Notification No. 472-I., dated the 3rd October, 1924, printed *supra*, p. 158.

<sup>3</sup> Now the Banas Kantha Agency.

<sup>4</sup> Omitted by Notification No. 33, dated the 12th May, 1925. *W. I. S. Agency Gazette*, 1925, p. 122.

Provided, secondly, that the further modifications set forth in the schedule hereto annexed shall be made in the said enactment as so applied :

Provided, thirdly, that references in the said enactment to the Registrar and to the Controller shall be construed as references to the [Deputy]<sup>1</sup> Political Agent, Palanpur, and the Political Agent, Palanpur, respectively :

Provided, fourthly, that for the purpose of facilitating the application of the said enactment any Court in the said areas and estates may construe the provision thereof with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court.

#### THE SCHEDULE.

##### *Further Modification.*

(a) In section 3 of the said Act the word ' province ' shall be read as referring to the said areas and estates.

(b) In section 9 of the said Act, for the words " subject to any prior claim of the Government in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent or any money recoverable as rent " the following words shall be substituted, namely :—

" subject to any prior claim of the Government in respect of Government dues or of the Agency Funds in respect of contributions, loan or takavi or any money recoverable as land revenue of a Talukdar ".

(c) In section 27 of the said Act, for the words " nothing in section 17, sub-section (1), clauses (b) and (c) of the Indian Registration Act, 1908 " the following words shall be substituted, namely :—

" nothing in rule 4, clauses (2) and (3), of the Registration Rules of the Palanpur Agency, sanctioned in Resolution in the Political Department,<sup>2</sup> No. 3824, dated the 7th June, 1911."

(d) In section 44 of the said Act, after the word " Government " wherever it occurs the words " or Agency Funds " shall be inserted.

(e) In section 48 of the said Act for the figures " 1882 " the figures " 1913 " shall be substituted.

[*Bombay Government Gazette*, 1915, Pt. I, p. 1549.]

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<sup>1</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

<sup>2</sup> See relevant rules of the Western India States Agency Registration Rules, *supra*, page 201.

BOMBAY ACTS.

*Mamlatdars' Courts Act, 1906.*

No. 7765, dated the 23rd October, 1912.—The Governor in Council is pleased to direct that the Courts in the Palanpur Agency<sup>1</sup> shall be guided by the spirit of the Mamlatdars' Courts Act, 1906 (Bombay Act II of 1906).

2. The Political Agent shall exercise the powers of revision under section 23 of the Act.

<sup>2</sup>[3. The Judicial Commissioner in the States of Western India may exercise the same powers over the Courts in the Palanpur Agency as those exercisable by the High Court of Judicature at Bombay over Mamlatdars' Courts in the Bombay Presidency].

[*Resolution of the Bombay Government.*]

LOCAL REGULATIONS.

*Salt Regulations, 1882.*

No. 4706, dated the 19th July, 1882.—It is hereby notified, by orders of the Governor in Council that all salt not covered by a permit which shall be carried across the Frontier Line hereinafter described and all salt spontaneously produced within and eastward of the said line which shall be removed without due permission will from the date of this notice be contraband salt as defined in Bombay Act VII of 1873, and all persons concerned in passing, removing or transporting such salt or accepting or retaining such salt, and all such salt and all vessels, animals and conveyances used or intended to be used in transporting it, and all goods, packages and coverings in or among which it may be placed will be liable to the penalties set forth in Part VI of the said Act.

*Definition of the Salt Frontier Line North of the Frontier of  
Jhinjhwada in Kathiawar.*

From the Northern Extremity of the Frontier Preventive line as defined by <sup>3</sup>Notification No. 44 of 1875 of the Political Agent in Kathiawar the line will follow a northerly course parallel with the Coast of the Runn and at a distance of three miles therefrom until it arrives opposite the boundary between Mowsari, a Wao village under the Palanpur Political Superintendency and Boyetra under Jodhpur in Rajputana.

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<sup>1</sup> Now the Banas Kantha Agency.

<sup>2</sup> Added by Notification No. 471-I., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

<sup>3</sup> Printed *infra*, p. 318.

*<sup>1</sup>Rules of procedure.*

I. For the due protection of the Salt Revenue the Chiefs should be required to admit posts of officers of the Salt Department into such villages and places as the Political Superintendent may appoint at the instance of the Collector of Salt Revenue, and to assist the Salt Officers to find accommodation in such villages and places in every reasonable way.

II. The officers of the Salt Department should be permitted to follow and apprehend smugglers, and to seize suspected salt, and carriages, animals and trappings used in its conveyance, and the contents of any package in which it may be concealed. And it shall be the duty of officers making such apprehension and seizure to take the prisoner or prisoners and property forthwith to the Inspector to whom they are immediately subordinate, who after such preliminary inquiry as may be necessary (to be in all cases completed within 24 hours) shall forward any prisoner or prisoners who may appear from the information obtained to have committed any offence punishable under this notification to the proper court and shall release any prisoner or prisoners the evidence or reasonable ground of suspicion against whom appears insufficient to justify his or their transmission to a Court, submitting a report of the case for the orders of their immediate superior. Any person or persons who may have been released from arrest under this rule by Inspectors of the Salt Department shall be liable to re-arrest and trial on application being made to the Political Superintendent by the Assistant Collector of Salt Revenue in charge of the Preventive Line.

III. It shall be the duty of the States concerned to cause their officers to take part in the pursuit and seizure of smugglers, etc., and generally to assist the officers of the Salt Department. In the case of any seizure made by the Chief's officers independently of the officers of the Salt Department notice should be given to the head local officer of the Salt Department who will then arrange to take possession of the salt and property seized and pass a receipt therefor. Opportunity should also be given him for such inquiry as may be necessary to ascertain whether the property seized is liable to confiscation.

IV. The Salt Department should prosecute all persons accused of smuggling before the Local Court of the Chief or Superintendency. An appeal to the Political Superintendent, if he has jurisdiction over the Local Court, against the decision of the Court, whatever it may be, will be open both to the prosecutor and to the accused.

V. The Patel or Headman of every village under the superintendency in which formations of natural salt may take place shall report to the nearest officer of the Salt Department the existence of such formations within three days from the time he may become aware of it. If any

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<sup>1</sup> These rules have also been adopted by the Chiefs in jurisdictional States

person bound to report under this rule shall wilfully omit to do so he shall for every such offence be liable to fine not exceeding (500) five hundred rupees.

[*Resolution of the Bombay Government.*]

*Application of the Kathiawar Limitation Law, 1890.*

No. 6726, dated the 27th October, 1892.—\* \* \* The Kathiawar Agency Limitation Law<sup>1</sup> should be extended to the Palanpur Political superintendency<sup>2</sup> from the 1st May, 1893.

[*Resolution of the Bombay Government.*]

*Banas Kantha Agency Arms Rules, 1904.*

No. 358, dated the 6th July, 1904.—The accompanying rules for the control of arms and ammunition in the Thana Circles and petty jurisdictional States, approved by Government, are published for information and guidance of all concerned.

2. The Rules shall come into force with effect from the 1st August, 1904.

RULES FOR THE REGULATION OF THE MANUFACTURE, CONVERSION, SALE, IMPORT, EXPORT, TRANSPORT AND POSSESSION OF ARMS, AMMUNITION AND MILITARY STORES IN THE THANA CIRCLES, AND PETTY JURISDICTIONAL TALUKAS OF THE PALANPUR POLITICAL AGENCY.<sup>2</sup>

*I.—Preliminary.*

1. *Application.*—These rules shall apply to:—

- (a) All Thana Circles of the Palanpur Political Agency<sup>2</sup> and the petty jurisdictional States subordinate thereto;
- (b) *Commencement.*—All railways now existing or which may hereafter be constructed in the Palanpur Agency within the limits (including the lands occupied, for stations, out-buildings or other railway purposes) over which full criminal jurisdiction has been or shall be assigned to the British Government, and shall come into force from such date<sup>3</sup> as may be notified by the Political Agent from which date all other existing orders, notifications, rules or regulations on

<sup>1</sup> Printed *infra*, p. 325.

<sup>2</sup> Now the Banas Kantha Agency.

<sup>3</sup> The 1st August, 1904. See paragraph 2 of the Notification.

the same subject in force shall be repealed<sup>1</sup> provided that all continuing authorities, permissions, licenses and exemptions in existence on the said date, which are in accordance with these rules, shall be held to have been granted and issued under these rules.

2. *Definitions.*—In these rules, “cannon” includes also all howitzers mortars, wallpieces, mitrailleuses and other ordnance and machine guns, all parts of the same and all carriages, platforms and appliances for mounting, transporting and serving the same.

“Arms” includes fire arms, bayonets, swords and daggers, also cannon and parts of arms and machinery for the manufacture or repairs of arms or portions of arms.

“Ammunition or Military Stores” includes also all articles specially designed for torpedo service and submarine mining, rockets, guncotton, dynamite, lithofracteur, and other explosive or fulminating material, gunflints, gun-wads, percussion caps, fuses and friction tubes, all parts of ammunition, and all machinery for manufacturing ammunition and includes sulphur in quantity more than 10 lbs. weight, leaden bird shot and bullets when possessed in quantities exceeding one hundredweight at any one time, but not lead or saltpetre.

“Import” means transmission from any place beyond to any place within the limits to which these rules apply.

“Export” means transmission from any one place within to any place beyond the limits to which these rules apply.

“Transport” means transmission through the limits to which these rules apply from and to places to which they do not apply.

“License” means a license granted under these rules or by competent authority under the Indian Arms Act.

“Pass” means a written permission granted to transport under these rules arms, ammunition or military stores not covered by a license.

“Parwana” means a permit to possess or carry arms.

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<sup>1</sup> *i.e.*, the rules contained in the Notification of the Government of India in the Foreign and Political Department, No. 3573-I., dated the 29th October, 1895, as amended by the like Notification No. 1505-I., dated the 8th May, 1896, in so far as they related to the Palanpur-Deesa Railway and the length of the Rajputana-Malwa (Western Rajputana State) Railway in Palanpur but not the length in Baroda, as no powers under the Indian (Foreign Jurisdiction) Order in Council, 1902, have been delegated to the Governor of Bombay in Council in respect to the latter. Both on the Palanpur-Deesa Railway and the Rajputana-Malwa Railway in Baroda and Palanpur the Indian Arms Act, 1878, has been introduced by Notification No. 486-I., dated the 3rd October, 1924, see Vol. VIII, North Central Division, B, under “Acts locally applied”.



II.—*Manufacture, Conversion and Sale.*

3. *Unlicensed manufacture, conversion, repair and sale prohibited.*—No person shall manufacture, convert, repair or sell or keep, offer or expose for sale any arms, ammunition or military stores except under a license granted under these rules in the manner and to the extent permitted thereby. But nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses *bonâ fide* for his own private use to any person who is not prohibited from possessing the same, provided always that no such sale shall be effected until the permission of the Political Agent has been obtained.

4. *License to manufacture or convert.*—Licenses to manufacture or convert arms or manufacture ammunition may be granted by the Political Agent. But such manufacture or conversion shall be restricted to the limits of the Thana Headquarters Stations and shall on no account be permitted in any other place.

5. License to repair or sell or keep, offer or expose for sale arms or ammunition may be granted by the Political Agent. But such sale or repair shall be restricted to the limits of the Agency Thana Headquarters only.

These licenses shall be in the forms annexed to these rules.

6. *License to manufacture or sell or keep sulphur.*—No person shall manufacture or keep in his possession or sell more than 10 lbs. of sulphur at a time except under a license granted by the Deputy Assistant Political Agent concerned.

7. *Register of stock.*—Every holder of a license under Rules 4, 5 and 6 shall keep a correct and true register in the form annexed, Appendix B, and shall show in it correctly all stocks, manufacture and receipts, and all sales of arms and ammunition or sulphur in his possession. He shall exhibit this register when called upon to do so to any Magistrate or to any Police Officer not below the rank of a Chief Constable.

8. *Inspection of premises.*—Any Magistrate or Police Officer not below the rank of a Chief Constable may at all reasonable times enter and inspect the premises of any person licensed to manufacture, convert, repair, sell or keep arms, ammunition or sulphur under these rules, and every such person shall be bound to exhibit the entire stock of arms, ammunition or sulphur in his possession or under his control and all accounts and records relating thereto.

9. *Board to be affixed to shops of licensed vendors.*—Every person licensed to manufacture, convert, repair or sell arms, ammunition or sulphur under these rules shall affix a board on a conspicuous part of his shop or usual place of business and shall cause to be painted thereon in large letters in English and Gūjrati his name and the words

“Licensed to manufacture” or “Licensed to deal in arms, ammunition and sulphur”.

10. *Revocation of license.*—The Political Agent or the Deputy Assistant Political Agent may at any time, for reasons to be recorded in writing, cancel or suspend the license of any manufacturer or vendor under these rules.

11. *Sale by licensed vendors.*—No manufacturer or licensed vendor shall sell arms or ammunition except sulphur in reasonable quantities not exceeding 10 lbs. in weight for medical purposes without the written permission of the Deputy Assistant Political Agent to any person not in possession of a Parwana of one of the kinds hereinafter set forth in Rule 23, and then only to such limited amount as may be sanctioned by the Deputy Assistant Political Agent.

### III.—*Import, Export and Transport.*

12. *Unlicensed importation from beyond the Palanpur Agency is prohibited.*—All importation of arms, ammunition or military stores from places beyond the Palanpur Agency is forbidden except under a license granted by the Political Agent or by competent authority in British India under the provisions of the Indian Arms Act.

13. *Unlicensed importation from other places within the Palanpur Agency prohibited.*—All importation of arms, ammunition or military stores from places within the Palanpur Agency but beyond the limits to which these rules apply is forbidden except under a license granted by the Political Agent.

14. *Import by rail.*—Arms, ammunition or military stores imported by rail shall not be delivered to any importer or consignee unless—

- (a) the importer or consignee produces the original license issued by competent authority authorising the import,
- (b) the senior Police Officer at the station to which the consignment is consigned has compared the consignment with the license and authorised the Station Master to make delivery.

For the purpose of making the comparison required by clause (b) the Police Officer shall have the power to open any package which he thinks suspicious.

15. *Duty of Station Master.*—Every Station Master shall give information to the Officer mentioned in clause (b) of the preceding rule of the arrival at his station of any consignment of imported arms, ammunition or Military stores.

16. *Unlicensed exportation to places beyond the Palanpur Agency prohibited.*—All exportation of arms, ammunition or military stores to

places beyond the Palanpur Agency is forbidden except under a license granted by the Political Agent.

17. *Unlicensed exportation to other places within the Palanpur Agency prohibited.*—All exportation of arms, ammunition or military stores to places within the Palanpur Agency but beyond the limits to which these rules apply is forbidden except under a license granted by the Political Agent.

18. *Transportation without a license or pass prohibited.*—All transport of arms, ammunition or military stores through the limits to which these rules apply from and to places to which they do not apply not otherwise covered by a license is forbidden except under a pass granted by the Political Agent.

19. *Export and transport by rail.*—All Station Masters to whom arms, ammunition or military stores are tendered for despatch unaccompanied by evidence of license being granted as per Rules, 16, 17 and 18 shall detain them and report the matter through the Railway Police for the orders of the Political Agent through the Deputy Assistant Political Agent.

20. *Obligation of railway employees to give information.*—Every person employed upon a railway shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be bound to give information to the nearest Police Officer regarding any box, packet or bale in transit which he has reason to believe contains stores in respect of which an offence against these rules has been or is being committed.

21. *Obligation of revenue and village officers to give information.*—Similarly it shall be the duty of all revenue and village officers to report to the nearest Police Officer any information he may obtain, or any reasonable suspicion he may entertain concerning the import, export or transport of any arms, ammunition or military stores in contravention of the provisions of these rules.

#### IV.—*Going armed and possessing Arms, etc.*

22. *Going armed or possessing arms without a Parwana prohibited except to persons exempted.*—No person except those specified in Schedule A hereto annexed and to the extent therein defined shall possess or carry arms or ammunition except under a parwana as hereinafter provided.

<sup>1</sup>[*Proviso* :—Provided that the Political Agent, Palanpur, is authorized to withdraw the privilege of exemption, at his discretion, either permanently or for such time as he may deem fit, from any member of

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<sup>1</sup> Added by Government of Bombay (P. D.), letter No. 6937, dated the 22nd November, 1913.

any of the classes mentioned in Schedule A, who is convicted of any of the heinous offences enumerated below:—

- (1) Murder, (2) Grievous Hurt, (3) Robbery, (4) Dacoity, (5) Outlawry, (6) Retaining or receiving stolen property, (7) Mischief by fire, (8) House-breaking,

and that in other cases of serious misconduct, the privilege may similarly be withdrawn under the special orders of the Government of Bombay.]

23. Parwanas are of four kinds:—

*Kinds of Parwana.*—(a) Green, which entitle the holder to possess arms and to carry and use them within the limits of the Taluka of which he is resident.

(b) Red, or temporary passes, which entitle the holder to carry arms in any part of the Palanpur Agency to which these rules apply, or any specific part thereof for a limited period only not exceeding one year.

(c) Yellow, or permanent passes which may be issued to Police Patels, Pasaitas, petty Talukdars, Mulgirassias, Kamdars and other personal followers of Talukdars as well as to other persons of position and approved loyalty and which entitle the holder to carry arms in any part of the Palanpur Agency.

(d) Brass badges, to be worn round the waist when on duty with arms, to be issued at the discretion of the Assistant Political Agents or the Deputy Assistant Political Agents to Pasaitas and inferior village police who are required to bear arms for the performance of their duties.

NOTE.—There should be yellow passes in addition to badges.

<sup>1</sup>24. *Application of issue of Parwanas.*—(a) Parwanas, described in Rule 23, may be applied for from the Assistant Political Agent or from the District Deputy Assistant Political Agent (so far as their respective charges are concerned) direct or through the Thandar, Talukdar or Chief Constable.

(b) The Assistant Political Agent or the District Deputy Assistant Political Agent shall have full power to grant or withhold a parwana

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<sup>1</sup> Substituted by Government of Bombay (P. D.), letter No. 7364, dated the 11th October, 1916.

at his discretion and shall communicate his order to the Superintendent of the Agency Police, and the Thandar or Talukdar in whose limits the applicant resides.

(c) Applications for badges, as defined in Rule 23 (a) shall be made by the Talukdar or Thandar in whose jurisdictional limits the police in question perform their duties, to the Assistant Political Agent or the District Deputy Assistant Political Agent, as the case may be, who may either grant or, for reasons to be recorded by him, withhold them altogether or grant only a portion of those asked for.

25. *Loss of Parwana to be reported.*—If any person to whom a parwana of any of the kinds specified in Rule 23 has been issued lose such parwana he shall at once report the fact to the Thandar or other Magistrate or the Talukdar, as the case may be within whose jurisdiction he resides. The officer to whom such report has been made shall detain the arm or arms comprised in the last parwana pending production by the owner of a fresh parwana. If a fresh parwana is not produced within 12 months after the date of the loss of original parwana, the arms so detained shall be forfeited.

26. *Duty of holder of Parwana if arms pass out of his possession.*—If any arms or ammunition for which a person holds a parwana granted under these rules shall in any manner pass out of his possession he shall at once give notice of the fact to the Thandar or other Magistrate or the Talukdar and get his parwana cancelled or altered as may be necessary.

27. *Duty of officer to enforce rules.*—(a) A copy of the register of the parwana granted in each village and of arms in possession of persons residing in the said villages and exempted from the operation of these rules under Rule 22 shall be kept by the Police patel, and it shall be his duty and the duty of all police officers (not lower in rank than Head Constables) to report any cases which come to their notice in which the arms mentioned in the said register are not in the possession of the parwana holders, or that persons are in possession of arms or ammunition without a parwana, or generally cases in which the provisions of these rules have been infringed.

(b) A copy of the register of parwana granted to residents of Thana Circles and petty Talukas or railway limits shall be kept by the Inspector of Agency Police and the Inspector of the Railway Police concerned, and it shall be their duty to report any cases which come to their notice in which the arms mentioned in the said register are not in the possession of the parwana holders, or that persons not specially exempted are in possession of arms or ammunition without a parwana, or generally cases in which the provisions of these rules have been infringed.

V.—Penalties.

28. *For breach of Rules 3 to 5, 7 to 9, 11 to 13, 16 to 18, 22 and 23.*—Whoever commits any of the following offences namely:—

- (a) Manufactures, converts, repairs, sells or keeps, offers or exposes for sale any arms, ammunition or military stores in contravention of the provision of Rule 3, or breaks any of the conditions of a license granted under Rule 4 or 5; or
- (b) Intentionally makes any false entry in the register which by rule 7 he is required to keep; or
- (c) Intentionally fails, or refuses to exhibit anything which by Rule 7 or 8 he is required to exhibit, or to keep a board affixed to his premises as required by Rule 9; or
- (d) Sells arms or ammunition in contravention of Rule 11; or
- (e) Imports, exports or transports, any arms, ammunition or military stores in contravention of the provisions of Rules 12, 13, 16, 17 or 18; or
- (f) Possesses or carries or has under his control arms or ammunition in contravention of Rule 22 or 23; or
- (g) Allows any arms or ammunition for which he holds a parwana to pass out of his possession in a manner which creates a reasonable suspicion as to his *bonâ fide*;

shall be liable, on conviction before a Magistrate of not lower than the second class, to imprisonment for a term which may extend to three years, or to fine which may extend to one thousand rupees, or to both, and the arms, ammunition or military stores in respect of which the offence may have been committed, as also any cart or baggage animal used to convey the same shall be liable to confiscation.

29. *For breach of Rules 25 and 26.*—Whoever omits to report the loss of a parwana as required by Rule 25, or to report the loss of any arms or ammunition as required by Rule 26, shall be liable on conviction before any Magistrate or jurisdictional Talukdar to a fine which may extend to ten rupees, and the renewal of his parwana may be withheld for a term which may extend to one year.

30. *For breach of rules not otherwise provided for.*—Any person violating any of these rules, for the violation of which no penalty is provided by these rules, shall be liable, on conviction before any Magistrate to imprisonment for a term which may extend to one month, or to fine which may extend to two hundred rupees or to both.

VI.—*Miscellaneous.*

31. *Search of suspected premises.*—Whenever any Magistrate has reason to believe that any unlicensed person has in his possession for sale arms or ammunition or is keeping upon his premises without permission more than 40 lbs. of sulphur, he may after recording in writing the grounds of his belief cause a search to be made of the house or premises in which he believes such arms, ammunition or sulphur are and if found may seize and confiscate them.

32. *Seizure.*—If any person is importing or exporting arms, ammunition or military stores without license or is transporting them without a pass, or is in possession of arms or ammunition without a parwana in violation of these rules such arms, ammunition or military stores may be seized by any person acting under their orders.

33. *Rewards to informers.*—(a) The Magistrate who has tried the case or any other Magistrate to whom he is subordinate may award up to one-half the amount of any fine inflicted under these rules and up to one-half of the sale price of any confiscated articles sold under these rules to any person who has given information leading to a conviction.

(b) Cases in which no fine is inflicted or in which it appears desirable to give a reward larger than is provided for above, shall be submitted for the orders of the Political Agent by or through the Deputy Assistant Political Agents.

34. *Sanction for prosecution necessary.*—No prosecution under these Rules shall be instituted except under orders or with the sanction of the Assistant Political Agents or the Deputy Assistant Political Agents.

35. *Powers to make subsidiary rules.*—The Political Agent may from time to time by notification make rules not inconsistent with these rules to determine the forms in which and the terms and conditions on and subject to which any license, pass or parwana shall be granted under these rules and may by such rules among other thing—

- (a) fix the period for which licenses, passes or parwanas shall continue in force,
- (b) fix the fee payable by stamp or otherwise for the said licenses, passes or parwanas,
- (c) direct the holder of the license to keep a record or account in a prescribed form, and exhibit the same when called upon by an officer of Government to do so,
- (d) direct him to produce or account for the arms and ammunition when called upon to do so.

36. *Reservation clause.*—Nothing contained in these rules shall be deemed to affect any orders or notifications published under the authority of the Bombay Government [or of the Agent to the Governor General]<sup>1</sup>, which are at present in force or which may hereafter be brought in force on this subject.

#### SCHEDULE A.

*List of persons or classes of persons exempted from the operation of the prohibition contained in Rule 22 of the Rules in the Palanpur Agency relating to arms and ammunition, other than those referring to cannon, articles designed for torpedo service, war rockets, and machinery for the manufacture of arms and ammunition.*

(1) All persons who if in British India would be exempt from the operation of the Indian Arms Act.

(2) All Magistrates and officers of and above the rank of a Thandar.

(3) All Jurisdictional and non-Jurisdictional Talukdars of the Palanpur Agency who either pay tribute or administrative charges.

(4) Any land-holders, and other persons of approved loyalty and good position who are specially exempted by the Political Agent from time to time.

(5) All travellers carrying arms or ammunition so far as their arms or ammunition may be covered by a permit in due form signed by a duly qualified British Officer.

#### FORM I.

(Name of person) is authorised to transport the  
 undermentioned articles, arms or ammunition (as the case may be)  
 from (place) to (place) within the  
 limits of the Thana Circles of This license will hold good  
 from date to (date).

The articles covered by this license will be delivered only to persons lawfully entitled to possess the same.

The license must be delivered to the Police Patel of the village to which the articles are consigned, and where there is a resident Magistrate the license must be delivered to him.

<sup>1</sup> Added by Notification No. 471-I., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 351.



FORM II.

*License to export Arms, Ammunition, or Military Stores under Rule:  
 ( ) of the Arms Regulations for the Thana Circles and Petty  
 Jurisdictional Talukas of Palanpur Agency.*

Name, etc., of license holder and Agent, if any.	Number of packages.	ARMS.		Ammunition or Military stores.		Place of despatch and route.	Purpose for which con- signment is required.	Destination.	Name and Residence of consignee.	Period for which license is valid.
		Description.	Number.	Weight or Number.	Weight or Number.					

(Signature of Officer granting the license.)

Dated the . 19 .

This license is valid only for . period and the route named  
 therein.

It becomes invalid if bulk is broken at any place on the journey.

The contents of each package covered by the license shall be described  
 in legible characters on the outside of such package.

FORM III.

*License to manufacture, convert or sell or keep Arms, Ammunition and Military Stores.*

Name, etc., of license- holder and place of residence.	Place of business, factory and shop.	Description of Arms.		Description of Ammunition or Military Stores.		Date on which license expires.
		To be manu- factured.	To be kept and sold.	To be manu- factured.	To be kept and sold.	

(Signature of Officer granting the license.)

This license is given subject to the provisions of the Arms Regulations for the Thana Circles and Petty Jurisdictional Talukas of the Palanpur Agency.

The license-holder shall keep records and accounts of all arms made or converted, of all ammunition manufactured, of all stocks in hand, and of all sales in such form as the State authorities may from time to time direct.

The license-holder shall affix to his shop or place of business a sign-board as required by rules.

The license-holder shall at the time of the purchase endorse upon the license of every purchaser holding a license under Form II the following particulars:—

- (1) The name and address of the person who takes delivery of the articles sold,
- (2) The nature and amount of the articles sold,
- (3) The date of sale,

and shall append his signature to the endorsement.

*License to keep Arms at Home.*

Number.	Name.	Age.	Caste.	Inhabitant of	Description of his person.	Date	Particulars of Arms.						Remarks.		
							Gun.		Sword.	Dagger.	Knife.	Lance.	Pistol.	Gupet.	
							Country made.	English.							

Date

19 .

Signature.

*License to wear Arms given by the*

Number.	Name of the person to whom license is given.	Age.	Caste.	Profession.	Inhabitant of	Description of person.	Purpose for which license is given.	From date to date.	From place to place.	Particulars of Arms.	Remarks.

Date

19 .

Signature.

*License to wear Arms.*

Number.	Name of the person to whom license is given.	Age.	Caste.	Inhabitant of	Description of person.	Date.	Particulars of Arms

Date \_\_\_\_\_

19 .

Signature.

[Agency Notification.]

*Opium Regulations, 1909.*

No. 3040, dated the 26th April, 1909.—*Opium Regulations for adoption in the Thana Circles of the Palanpur Agency<sup>1</sup> including the petty Jurisdictional Talukas, and the States of Tharad and Wao.*

Opium includes also green poppy heads, preparations or admixtures of opium and intoxicating drugs prepared from the poppy.

The words "Thana Circles" include also the petty Jurisdictional Talukas of Warahi, the Thara and Deodar Estate, and Santalpur (Gadsai).

2. The cultivation of the poppy or the manufacture of the opium within the Thana Circles is prohibited.

3. The import of opium from any place outside the Thana Circles limits is prohibited except under a pass signed by the Political Agent.

4. The export of opium to any place outside the Thana Circles limits is prohibited except under a pass granted and signed by the Political Agent.

5. The transport from one place to another within the Thana Circles limits of any quantity of opium exceeding in weight such maximum quantity as the Political Agent may from time to time prescribe is prohibited except under cover of a permit granted by a duly authorised officer such as the Assistant Political Agent, the Deputy Assistants, the Thandars, and petty Jurisdictional Talukdars within their own Khalsa villages.

6. Except as provided in clauses 7 and 8, (i) no person shall have in his possession any opium other than opium purchased from a farmer or licensed vendor, (ii) no person, not being a farmer or licensed vendor, shall have in his possession more than such maximum quantity of opium as the Political Agent may prescribe.

7. Clause 6 does not apply to—

(i) opium in transit covered by a permit under clause 5;

(ii) opium imported according to rule during transit to its destination.

8. There may be granted (a) to any medical practitioner a license for the possession of opium for medical purposes only, (b) to any person a special permit authorising him for a specified period to have in his possession for private consumption only a specified quantity of opium in excess of such maximum quantity as the Political Agent may prescribe.

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<sup>1</sup> Now the Banas Kantha Agency.

9. No person shall sell opium without a license to this effect, provided that any medical practitioner to whom a license has been granted under clause 8 may sell opium in quantities not exceeding in any one transaction such maximum quantity as the Political Agent may prescribe, as medicine or in medical preparations.

10. No person shall sell opium exceeding such maximum quantity as the Political Agent may prescribe to any person not legally authorised to possess the same.

11. No licensed vendor shall sell more than such maximum quantity as the Political Agent may prescribe of the inspissated juice of the poppy, or of any preparation or admixture thereof or of any intoxicating drug prepared from the poppy or more than 5 seers of green poppy heads except to a licensed vendor or farmer or to a medical practitioner, or other person holding a special permit granted by the Political Agent under clause 8.

12. Licenses for the sale of opium in the Thana Circles proper shall be granted by the Political Agent and in the petty Jurisdictional Talukas by the Talukdars and the licenses shall contain such conditions as the Political Agent may from time to time point out to be necessary to protect the British opium revenue.

13. Licenses for sale shall be granted for one year only: or the right to sell opium may be farmed for a period not exceeding five years.

14. Any person who in contravention of these regulations (a) cultivates the poppy, (b) manufactures opium, (c) possesses opium, (d) transports opium, (e) imports or export opium, (f) or sells opium, (g) and any person who otherwise contravenes such regulations shall, on conviction before any officer duly authorised by the Political Agent, be punished for each such offence with imprisonment, either simple or rigorous, for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both: and where a fine is imposed the convicting officer shall direct the offender to be imprisoned in default of payment of fine for a term which may extend to six months, and such imprisonment shall be either simple or rigorous and in excess of any other imprisonment to which he may have been sentenced.

15. In prosecutions under the preceding clause it shall be presumed, until the contrary is proved, that all opium, for which the accused person is unable to account satisfactorily, is opium in respect of which he has committed an offence under these regulations.

16. In any case in which an offence under clause 14 has been committed—

(a) the poppy so cultivated,

(b) the opium in respect of which any offence under the same clause has been committed,

(c) where in the case of an offence under head (d) or (e) of the same clause the offender is transporting, importing, or exporting any opium exceeding the quantity (if any) which he is permitted to transport, import or export as the case may be, the whole of the opium which he is transporting, exporting or importing,

(d) where in the case of an offence under clause (f) of the same clause the offender has in his possession any opium other than the opium in respect of which the offence has been committed, the whole of such other opium,

shall be liable to confiscation.

The vessels, packages and coverings in which any opium liable to confiscation under this clause is found and the other contents (if any) of the vessel or packages in which such opium may be concealed and the animals or the conveyances used in carrying it shall likewise be liable to confiscation.

17. When the offender is convicted or when the person charged with an offence in respect of any opium is acquitted but the officer trying the case decides that the opium is liable to confiscation, such confiscation may be ordered by him. When an offence against these regulations has been committed but the offender is not known or cannot be found or when opium not in the possession of any person cannot be satisfactorily accounted for, any authorised officer may, after due inquiry, order the confiscation of such opium.

18. Opium confiscated under the regulations shall be forwarded to the Political Agent or dépôt, with a list of rewards that may be ordered to be awarded under clause 19. The Political Agent, after deducting from the sale-proceeds thereof the amount of pass fee due on the quantity of opium and paying off the rewards to the persons concerned will make over the balance (if any) in the case of the non-Jurisdictional Talukdars to the General Fund, in the case of the Jurisdictional Talukdars to the Talukdars concerned. All other articles so confiscated shall be disposed of as the Political Agent may order.

19. Any authorised officer convicting an offender under clause 14, or ordering the confiscation of opium under clause 16 of these regulations, may grant, in such proportions as he thinks fit, to informers and any other persons who have contributed to the seizure of the opium or the conviction of the offender, a reward not exceeding the value of the opium and other articles confiscated in the case *plus* the amount of any fine imposed. In all cases, except when otherwise expressly ordered by the

Political Agent at least one-half the value of the opium and other articles confiscated *plus* the fire realized shall be distributed as rewards among the informers and captors concerned.

20. Any authorised officer (*viz.*, the Thandars and the Police Officers not lower in rank than Chief Constables) may (a) at any time enter upon and search any premises on which he has reason to believe opium liable to confiscation under these regulations is manufactured, kept or concealed, and to seize any such opium and all materials used in the manufacture thereof; (b) detain, search and arrest any person whom he has reason to believe to be guilty of any offence relating to such opium; (c) seize in any open place or in transit any opium or other thing which he has reason to believe to be liable to confiscation under clause 16 of these regulations.

21. Any Agency or Government officer who without reasonable ground of suspicion enters or searches or causes to be entered or searched any building, vessel or place,

or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any opium or other things liable to confiscation under these regulations,

or vexatiously and unnecessarily seizes the property or arrests any person, shall for every such offence be punished with fine not exceeding Rs. 500.

22. Any authorised officer may issue his warrant for the arrest of any person whom he has reason to believe to have committed a breach of these regulations relating to opium or for the search of any premises in which he has reason to believe opium liable to confiscation is kept or concealed.

23. The subsequent procedure in regard to persons arrested and seizures made shall be in accordance with that generally in force for criminal purposes within the Agency.

24. Cases under these regulations shall be tried by Magistrates not lower than the rank of First Class Magistrates in the Agency.

[*Resolution of the Bombay Government.*]

### *Rules regarding the sale and mortgage of Giras Lands, 1912.*

No. 3966, dated the 11th May, 1912.—*Rules regarding the sale and mortgage of giras lands in the Palanpur Agency.*<sup>1</sup>—

1. A Girassia is only at liberty to sell his giras to his collaterals or to his Talukdar. The right of pre-emption rests with the former, and

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<sup>1</sup> Now the Banas Kantha Agency.



before the Talukdar can be the purchaser it must be proved that the collaterals have been given the opportunity to buy the giras.

2. A Girassia is at liberty to mortgage his giras either to his collaterals or to his Talukdar or to other parties such as bankers and merchants.

Property thus mortgaged may, until a final decree of foreclosure or sale has been pronounced, be redeemed by payment of such sum on account of principal, interest, and costs (less such sums received or realized or as ought to have been realized by the mortgagee) as the Court shall deem equitable. In the case of any suit brought by a mortgagee for foreclosure or sale, a co-Girassia of the defendant and failing such co-Girassia, the Talukdar, may redeem the property when the defendant is unable or unwilling to do so, and on the same terms on which such defendant might have redeemed.

The co-Girassia or Talukdar redeeming as aforesaid shall have such rights against the mortgagor Girassia and over the property redeemed as the Court shall deem equitable.

3. Sales and mortgages by Girassias to Jurisdictional Chiefs shall in future be effected by deeds submitted to <sup>1</sup>[the Deputy Political Agent, Palanpur, exercising Civil Powers] and when approved and sanctioned by the Political Agent, be sent on for registration to <sup>1</sup>[the Deputy Political Agent, Palanpur, exercising civil powers]. All sales and mortgages effected by Girassias to any one in the past by deeds, shall be presented for registration as directed above within one year of the promulgation of these rules, failing which they will be void.

In cases wherein through deception, surprise, oppression or undue influence an unfair advantage appears to have been gained by a party to a sale, mortgage or lease, [the Court of the Deputy Political Agent, Palanpur, with the previous sanction of the Political Agent]<sup>1</sup> shall have jurisdiction to rectify the terms of the transaction and to adjudicate between the parties to such effect as in the circumstances of the case shall seem equitable.

No cases already decided by the Court shall be re-opened for want of the observance of these rules.

The registration of such documents should be in accordance with the registration rules of this Agency as regards fees, etc., and the registration shall be effected only in the office of [the Deputy Political Agent, Palanpur, exercising civil powers].<sup>1</sup>

[*Resolution of the Bombay Government.*]

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<sup>1</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924.—*Gazette of India, Extraordinary*, 1924, p. 351.

*Banas Kantha Agency Civil Courts Rules.*

No. 480-I., dated the 3rd October, 1924.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased in supersession of the Bombay Government Notification in the Political Department No. 4292, dated the 23rd June, 1903, as subsequently amended, to prescribe, with effect from the 10th October, 1924, the following revised Rules for defining the civil jurisdiction (original, appellate and revisional) to be exercised by the Courts of the Political Agency in <sup>1</sup>[Banas Kantha] and by the Judicial Commissioner in the Western India States Agency in civil proceedings originating in the <sup>1</sup>[Banas Kantha] Agency, for regulating the right of appeal and the payment of Court fees by parties, and for ensuring punctuality in the discharge of judicial business:

Provided that—

- <sup>2</sup>[(1) The Agent to the Governor General in the States of Western India shall direct whether all or any proceedings pending on the date of this Notification shall be carried on (a) as if this Notification had not issued, or (b) in accordance with this Notification;
- (2) When the Agent to the Governor General directs that any such proceeding shall be carried on in accordance with this Notification, he may also direct that the previous stages of such proceeding shall be deemed for all purposes to have been taken in the Courts in which they would have been taken if this Notification had been in force when the proceeding was instituted.]

1. The Civil Courts of the Banas Kantha Agency shall be classed as :—

- (a) Subordinate Courts.
- (b) The Court of the Deputy Political Agent <sup>1</sup>[Banas Kantha].
- (c) The Court of the Political Agent <sup>1</sup>[Banas Kantha] and the Court of the Additional District Judge.
- (d) The Court of the Judicial Commissioner.

2. The Subordinate Courts are specified in Appendix "A". Their jurisdiction shall be limited to civil suits of all descriptions of the values specified herein or such values not exceeding in any case Rs. 5,000 as the Judicial Commissioner shall hereafter, with the sanction of the Agent to the Governor General, from time to time direct.

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<sup>1</sup> Substituted by Notification No. 69, dated the 5th December, 1927. W. I. S. Agency Gazette, 1927, p. 385.

<sup>2</sup> Substituted by Notification No. 560-I., dated the 18th November, 1924. Gazette of India, 1924, Pt. I, p. 1022.

3. (1) The Court of the Deputy Political Agent, <sup>1</sup>[Banas Kantha], is specified in Appendix "B". He possesses an original jurisdiction in civil suits of all descriptions without any limit as to value.

(2) The Court of the Political Agent exercises the powers of a District Judge and possesses an appellate jurisdiction in suits tried by the Subordinate Courts in the <sup>1</sup>[Banas Kantha] Political Agency.

(3) The Court of the District Judge in Kathiawar shall exercise the powers of an Additional District Judge for the <sup>1</sup>[Banas Kantha] Agency and shall dispose of such civil cases as the Court of the Political Agent, <sup>1</sup>[Banas Kantha], may transfer to him.

4. Every suit shall be instituted in the Court of the lowest grade competent to try it; but the Political Agent may transfer a suit from any Court specified in Appendix A or B to any other Court specified in either Appendix and competent, under Rule 2 or 3, to try it, or to his own Court

\*                      \*                      \*                      \*                      \*                      \*                      \*

5. If <sup>3</sup>[the Additional District Judge, Banas Kantha Agency, or] the Deputy Political Agent, <sup>1</sup>[Banas Kantha], exercising civil powers or a Thandar considers that a suit which has been filed as a civil suit should be heard as a Political suit, he should refer the case to the Political Agent for orders. Any party to a suit may apply to the Political Agent for an order that a [Civil]<sup>3</sup> suit may be heard as a [Political]<sup>3</sup> suit.

6. Any proceeding pending in any Civil Court of the Agency in respect to any debt or liability of a Talukdar whose estate is attached by the Political Agent on account of its being encumbered, shall on the publication of the order of attachment, be stayed, and the operation of all processes, executions and attachments then in force for or in respect of such debt and liabilities shall be suspended, and so long as such attachment continues, no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any such Court in respect of such debts and liabilities.

7. <sup>1</sup>[As no holder or sharer of any estate assessed for Gaekwari tribute, and no Talukdar or his sharer, is liable for any debt or liability incurred by his predecessor, unless he has admitted the claim in writing, or unless such debt or liability has received the written sanction of the Political Agent, no Agency Court shall entertain any suit against any such holder, Talukdar or sharer in respect of any such debt or liability not admitted or sanctioned as aforesaid.

<sup>1</sup> Substituted by Notification No. 69, dated the 5th December, 1927. W. I. S. Agency Gazette, 1927, p. 385.

<sup>2</sup> Omitted by Notification No. 48, dated the 28th June, 1928. W. I. S. Agency Gazette, 1928, p. 176.

<sup>3</sup> Substituted by ditto.

(2) Save in the exercise of residuary jurisdiction, no Agency Court shall, without the sanction of the Political Agent, entertain any suit against any holder or sharer of an estate assessed for Gaekwari tribute or against any Talukdar or his sharer.

(3) No Agency Court shall, without the sanction of the Political Agent, give any effect whatever to any decree in respect of a pecuniary claim or debt or mortgage passed against any holder or sharer of an estate assessed for Gaekwari tribute, or against any Talukdar or his sharer, after the death of such holder, Talukdar or sharer, unless the said claim, debt or mortgage has been admitted in writing by the successor against whom the decree is sought to be enforced, or has received the written sanction of the Political Agent.]

8. An appeal whether on a matter of law or fact shall lie from the decree of any of the Subordinate Courts mentioned in Appendix A or B to the Political Agent, [Banas Kantha].<sup>1</sup>

<sup>2</sup>[Provided that any appeal or class of appeals from the decree of any of the Subordinate Courts mentioned in Appendix A may be made over by the Political Agent, [Banas Kantha],<sup>1</sup> for disposal to the Court of the Deputy Political Agent, <sup>1</sup>[Banas Kantha]. The provisions of these rules relating to the appellate decrees of the Political Agent, <sup>1</sup>[Banas Kantha], shall apply to the decision in appeal of the Court of the Deputy Political Agent, <sup>1</sup>[Banas Kantha].]

9. If the suit be of a nature cognizable in Courts of Small Causes and of a value not exceeding Rs. 500, the decision in appeal of the Court of the Political Agent, <sup>1</sup>[Banas Kantha], shall be final.

10. In all suits relating to movable property but not falling under rule 9, and of a value not exceeding Rs. 1,000, if the Court of the Political Agent, <sup>1</sup>[Banas Kantha], confirms the decree of the Subordinate Court, its decision shall be final.

11. In all suits in which the Court of the Political Agent, <sup>1</sup>[Banas Kantha], reverses or modifies the decree of the Subordinate Court, and in all suits relating to movable property of a value exceeding Rs. 1,000, and in all suits relating to immovable property or to any interests therein a second appeal on a matter of law shall lie to the Court of the Judicial Commissioner in the States of Western India.

12. An appeal whether on a matter of law or fact shall lie from the original decree of the Court of the Deputy Political Agent, <sup>1</sup>[Banas Kantha], to the Court of the Political Agent, [Banas Kantha].<sup>1</sup>

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<sup>1</sup> Substituted by Notification No. 69, dated the 5th December, 1927.—W. I. S. Agency Gazette, 1927, p. 385.

<sup>2</sup> Added by Notification No. 13, dated the 26th February, 1925.—W. I. S. Agency Gazette, 1925, p. 45.

13. If the suit be of the nature cognizable in Courts of Small Causes and of a value not exceeding Rs. 1,000, the decision in appeal of the Court of the Political Agent shall be final.

14. In all suits relating to movable property, but not falling under rule 13 and of a value not exceeding Rs. 3,000, if the Court of the Political Agent confirms the decree of the Court of the Deputy Political Agent, [Banas Kantha],<sup>1</sup> its decision shall be final.

15. In all such suits in which the Court of the Political Agent reverses or modifies the decree of the Court of the Deputy Political Agent, [Banas Kantha]<sup>1</sup> and in all suits relating to movable property of a value exceeding Rs. 3,000 and in all suits relating to immovable property or any interest therein a second appeal on a matter of law shall lie to the Judicial Commissioner in the States of Western India.

16. <sup>2</sup>[All applications or appeals preferred under rule 15 to the Judicial Commissioner shall be presented in duplicate, accompanied by an authenticated copy of the decree appealed from or sought to be revised and (unless the appellate Court dispenses therewith) of the judgment on which it is founded and by certified translations of any documents on which the suit has been brought or which may be relied on in appeal, within 90 days of the decree appealed against exclusive of the time taken up in obtaining copies.]

17. A rejoinder to the appeal or application will be called for if necessary by the Judicial Commissioner through the Political Agent, [Banas Kantha],<sup>1</sup> or the Additional District Judge, [Banas Kantha],<sup>2</sup> if the case is disposed of by him. If the Judicial Commissioner calls for a rejoinder the Political Agent, [Banas Kantha],<sup>1</sup> or the Additional District Judge shall cause one copy of the appeal or application to be served on the opposite party with a notice requiring him to submit, in duplicate, to the Political Agent, or the District Judge any reply that party may wish to make within 30 days from the service of such notice, provided that such time may be extended to 90 days at the discretion of the Political Agent or the District Judge.

18. The Political Agent is empowered to call for proceedings in non-appealable cases of the Court of the Deputy Political Agent, [Banas Kantha], and the Subordinate Courts for revision and inspection and to prescribe forms of returns of civil work for each class of Court and when such returns are to be rendered.

19. The returns of the Deputy Political Agent, [Banas Kantha], and of the Subordinate Courts shall be examined by the Political Agent.

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<sup>1</sup> Substituted by Notification No. 69, dated the 5th December, 1927. *W. I. S. Agency Gazette*, 1927, p. 385.

<sup>2</sup> Substituted by Notification No. 94, dated the 13th October, 1926. *W. I. S. Agency Gazette*, 1926, p. 311.

who shall submit them with his remarks to the Judicial Commissioner for disposal.

20. The Judicial Commissioner may call for the record of any non-appealable case from the Court of the Political Agent, [Banas Kantha],<sup>1</sup> and of the Additional District Judge for purposes of revision.

21. In suits in the Court of first instance and in the appellate Courts of the Agency fees will be levied as per annexed schedule (Appendix C).

22. No appeal to the Judicial Commissioner will be received without payment of the fees prescribed below, unless the appellant shall have been authorised by the Political Agent or the Additional District Judge to appeal *in forma pauperis*. Where the value of the property claimed as computed in the original Court

does not exceed Rs. 200, a fee should be paid of	Rs. 16
exceeds Rs. 200 but not Rs. 250 a fee of	„ 20
exceeds Rs. 250 but not Rs. 300	„ 24
exceeds Rs. 300 but not Rs. 350	„ 28

and so on, being at the rate of a fee of Rs. 4 for every Rs. 50 of value claimed, and up to the amount of Rs. 10,000. But in suits for recovery of a value greater than Rs. 10,000, the fee shall be calculated at the rate of 8 per cent. on each additional Rs. 100 or a fraction of Rs. 100 above that limit.

23. No application to the Judicial Commissioner for the exercise of extraordinary jurisdiction in civil proceedings will be received without payment of a fee of Rs. 4.

24. No application to the Judicial Commissioner for a review of any judgment passed by the Judicial Commissioner in a civil case will be received unless the application be presented within 90 days from the date on which the decision of the Judicial Commissioner may have been communicated to the applicant, or unless the applicant shows good cause for not having presented the application within such period. The same fee should be paid on an application to the Judicial Commissioner for a review as on a petition on appeal, but the applicant will be entitled to a refund of the fee after deducting Rs. 4 if the application be admitted, and if the Judicial Commissioner reverses or modifies his former decision on the ground of mistake in law or fact except when such reversal or modification is due wholly or in part, to fresh evidence which might have been produced at the original hearing.

<sup>1</sup> Substituted by Notification No. 69, dated the 5th December, 1927. *W. I. S. Agency Gazette*, 1927, p. 385.

## APPENDIX A.

*List of the Subordinate Courts of the <sup>1</sup>[Banas Kantha] Agency referred to in Rule 2.*

No.	Name of Court.	Limit of Jurisdiction.
		Rs.
1	Kankrej Thanadar's Court . . . . .	500
2	Deodar Thanadar's Court . . . . .	500
3	Varahi Thanadar's Court . . . . .	500
4	Santalpur Thanadar's Court . . . . .	500
<sup>2</sup> [5	Court of the Assistant Thanadar, Deodar Thana in charge, Suigam Division] . . . . .	250

## APPENDIX B.

*The Court of the Deputy Political Agent referred to in Rule 3.*

No.	Name of Court.	Limit of Jurisdiction.
1	The Court of the Deputy Political Agent, <sup>1</sup> [Banas Kantha] . . . . .	No limit.

NOTE.—The jurisdiction of the Deputy Political Agent, <sup>1</sup>[Banas Kantha], extends over the area comprised in the Thana Circles, managed estates, the estates of the jurisdictional Talukdars, viz., Wao, Deodar, Jorawarkhanji of Varahi and Thara.

## APPENDIX C.

### SCHEDULE I.

#### *Ad Valorem Fees.*

No.	—	—	Proper fee.
1	Plaint, written statement, pleading, a set off or counterclaim or memorandum of appeal (not otherwise provided for) or of cross objection presented to any Civil Court.	When the amount or value of the subject-matter in dispute does not exceed five rupees.	Six annas.
		When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees up to one hundred rupees.	Six annas.

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<sup>1</sup> Substituted by Notification No. 69, dated the 5th December, 1927.—W. I. S. Agency Gazette, 1927, p. 335.

<sup>2</sup> Added by Notification No. 52, dated the 7th October, 1927.—W. I. S. Agency Gazette, 1927, p. 329.

SCHEDULE I—*contd.*

No.			Proper fee.
1	Plaint, written statement, pleading, a set off or counterclaim or memorandum of appeal (not otherwise provided for) or of cross objection presented to any Civil Court— <i>contd.</i>	When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to five hundred rupees.	Twelve annas.
		When such amount or value exceeds five hundred rupees, for every ten rupees, or part thereof, in excess of five hundred rupees, up to one thousand rupees.	One rupee and two annas.
		When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees.	Seven rupees and eight annas.
		When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees.	Fifteen rupees.
		When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.	Twenty-two rupees and eight annas.
		When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees.	Thirty rupees.
		When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees.	Thirty rupees.
		When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees.	Thirty rupees.
		Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be six thousand rupees.	



SCHEDULE I—*contd.*

No.	—	—	Proper fee.
2	<p>Plaint or memorandum of appeal in a suit by a person dispossessed of immovable property otherwise than by due course of law where the suit is brought within six months from the dispossession and is for recovery of possession only with out reference to title.</p>	.....	<p>A fee of one-half the amount prescribed in the foregoing scale.</p>
2	<p>Application for review of judgment if presented on or after the 90th day from the date of decree.</p>	.....	<p>The fee leviable on the plaint or memorandum of appeal.</p> <p>NOTE.—Where an application for review of judgment is admitted and where on the rehearing the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a refund of so much of the fee as exceeds the fee payable on any other application to such Court, except when such reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.</p>
4	<p>Application for review of judgment is presented before the 90th day from the date of the decree.</p>	.....	<p>One-half of the fee leviable on the plaint or memorandum of appeal.</p> <p>NOTE.—Where an application for review of judgment is admitted and where on the rehearing the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a refund of so much of the fee as exceeds the fee payable on any other application to such Court, except when such reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.</p>

SCHEDULE I—*contd.*

No.	—	—	Proper fee.
5	Copy or translation of a judgment, order or decree or other paper in a suit (or from the records of the Agency Office).	.....	One rupee as attestation fee, if the amount or value of the subject matter is fifty or less than fifty rupees, and in all other cases two rupees as attestation fee together with two annas per hundred words of English and one anna per hundred words of Gujarati and half of the above amount subject to a minimum of two annas as comparing fee and rupees two as searching fee for each year of which the Daftar is searched if the number, date and other necessary particulars be not accurately specified in the application.
6	Probate of a will or letters of administration with or without will annexed.	When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds one thousand rupees, on the part of the amount or value in excess of one thousand rupees up to five thousand rupees.	Two per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds five thousand rupees, on the part of the amount or value in excess of five thousand rupees up to ten thousand rupees.	Two and a half per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds ten thousand rupees, on the part of the amount or value in excess of ten thousand rupees up to fifty thousand rupees.	Three per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of admini-	Three and a half per centum.

SCHEDULE I—*contd.*

No.	Proper fee.
6 Probate of a will or letters of administration with or without will annexed— <i>contd.</i>	<p>stration is made exceeds fifty thousand rupees, on the part of the amount or value in excess of fifty thousand rupees, up to one lakh of rupees.</p> <p>When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds one lakh of rupees, on the part of the amount or value in excess of one lakh of rupees, up to one lakh and fifty thousand rupees.</p> <p>When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds one lakh and fifty thousand rupees, on the part of the amount or value in excess of one lakh and fifty thousand rupees, up to two lakhs of rupees.</p> <p>When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds two lakhs of rupees, on the part of the amount or value in excess of two lakhs of rupees, up to two lakhs and fifty thousand rupees.</p> <p>When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds two lakhs and fifty thousand rupees, on the part of the amount or value in excess of two lakhs and fifty thousand rupees, up to three lakhs of rupees.</p> <p>When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds three lakhs of rupees, on the part of the amount or value in excess of three lakhs of rupees, up to four lakhs of rupees.</p>
	Four per centum.
	Four and a half per centum.
	Five per centum.
	Five and a half per centum.
	Six per centum.

SCHEDULE I—*contd.*

No.		Proper fee.
6 Probate of a will or letters of administration with or without will annexed— <i>concl'd.</i>	When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds four lakhs of rupees, on the part of the amount or value in excess of four lakhs of rupees up to five lakhs of rupees.	Six and a half per centum.
	When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds five lakhs of rupees, on the part of the amount or value in excess of five lakhs of rupees.	Seven per centum.
	Provided that when, after the grant of a certificate under the Succession Certificate Act, 1889, or under Bombay Regulation VIII of 1827, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.	
7. Certificate under the Succession Certificate Act, 1889.	1227901	The fee leviable in the case of a probate (Article 6) on the amount or value of any debt or security specified in the certificate under section 8 of the Act, and one and a half times this fee on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act.

NOTE.—(1) The amount of a debt is its interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.

SCHEDULE I—*conold.*

No.	Proper fee.
7 Certificate under the Succession Certificate Act, 1889— <i>contd.</i>	..... (2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act, and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for so far as such value can be ascertained.
8 Certificate under Bombay Regulation VIII of 1827.	..... The fee leviable in the case of a probate (Article 6) on the amount or value of the property in respect of which the certificate is granted.

SCHEDULE II.

*Table of rates of ad valorem fees leviable on the institution of suits.*

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee	When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.
Rs.	Rs.	Rs. A.	Rs.	Rs.	Rs. A.
.....	5	0 6	95	100	7 8
5	10	0 12	100	110	8 4
10	15	1 2	110	120	9 0
15	20	1 8	120	130	9 12
20	25	1 14	130	140	10 8
25	30	2 4	140	150	11 4
30	35	2 10	150	160	12 0
35	40	3 0	160	170	12 12
40	45	3 6	170	180	13 8
45	50	3 12	180	190	14 4
50	55	4 2	190	200	15 0
55	60	4 8	200	210	15 12
60	65	4 14	210	220	16 8
65	70	5 4	220	230	17 4
70	75	5 10	230	240	18 0
75	80	6 0	240	250	18 12
80	85	6 6	250	260	19 8
85	90	6 12	260	270	20 4
90	95	7 2	270	280	21 0

SCHEDULE II—*contd.*

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.	When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.
Rs.	Rs.	Rs. a.	Rs.	Rs.	Rs. a.
280	290	21 12	900	910	83 10
290	300	22 3	910	920	84 12
300	310	23 4	920	930	85 14
310	320	24 0	930	940	87 0
320	330	24 12	940	950	88 2
330	340	25 3	950	960	89 4
340	350	26 4	960	970	90 6
350	360	27 0	970	980	91 3
360	370	27 12	980	990	92 10
370	380	28 3	990	1,000	93 12
380	390	29 4	1,000	1,100	101 4
390	400	30 0	1,100	1,200	108 12
400	410	30 12	1,200	1,300	116 4
410	420	31 3	1,300	1,400	123 12
420	430	32 4	1,400	1,500	131 4
430	440	33 0	1,500	1,600	138 12
440	450	33 12	1,600	1,700	146 4
450	460	34 3	1,700	1,800	153 12
460	470	35 4	1,800	1,900	161 4
470	480	36 0	1,900	2,000	168 12
480	490	36 12	2,000	2,100	176 4
490	500	37 3	2,100	2,200	183 12
500	510	38 10	2,200	2,300	191 4
510	520	39 12	2,300	2,400	198 12
520	530	40 14	2,400	2,500	206 4
530	540	42 0	2,500	2,600	213 12
540	550	43 2	2,600	2,700	221 4
550	560	44 4	2,700	2,800	228 12
560	570	45 6	2,800	2,900	236 4
570	580	46 3	2,900	3,000	243 12
580	590	47 10	3,000	3,100	251 4
590	600	48 12	3,100	3,200	258 12
600	610	49 14	3,200	3,300	266 4
610	620	51 0	3,300	3,400	273 12
620	630	52 2	3,400	3,500	281 4
630	640	53 4	3,500	3,600	288 12
640	650	54 6	3,600	3,700	296 4
650	660	55 8	3,700	3,800	303 12
660	670	56 10	3,800	3,900	311 4
670	680	57 12	3,900	4,000	318 12
680	690	58 14	4,000	4,100	326 4
690	700	60 0	4,100	4,200	333 12
700	710	61 2	4,200	4,300	341 4
710	720	62 4	4,300	4,400	348 12
720	730	63 6	4,400	4,500	356 4
730	740	64 3	4,500	4,600	363 12
740	750	65 10	4,600	4,700	371 4
750	760	66 12	4,700	4,800	378 12
760	770	67 14	4,800	4,900	386 4
770	780	69 0	4,900	5,000	393 12
780	790	70 2	5,000	5,250	408 12
790	800	71 4	5,250	5,500	423 12
800	810	72 6	5,500	5,750	438 12
810	820	73 8	5,750	6,000	453 12
820	830	74 10	6,000	6,250	468 12
830	840	75 12	6,250	6,500	483 12
840	850	76 14	6,500	6,750	498 12
850	860	78 0	6,750	7,000	513 12
860	870	79 2	7,000	7,250	528 12
870	880	80 4	7,250	7,500	543 12
880	890	81 6	7,500	7,750	558 12
890	900	82 3	7,750	8,000	573 12

310 STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—B.—  
*Special Laws applying to the Banas Kantha Agency.*

SCHEDULE II—*contd.*

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.	When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.
Rs.	Rs.	Rs. A.	Rs.	Rs.	Rs. A.
8,000	8,250	588 12	1,20,000	1,25,000	2,193 12
8,250	8,500	603 12	1,25,000	1,30,000	2,223 12
8,500	8,750	618 12	1,30,000	1,35,000	2,253 12
8,750	9,000	633 12	1,35,000	1,40,000	2,283 12
9,000	9,250	648 12	1,40,000	1,45,000	2,313 12
9,250	9,500	663 12	1,45,000	1,50,000	2,343 12
9,500	9,750	678 12	1,50,000	1,55,000	2,373 12
9,750	10,000	693 12	1,55,000	1,60,000	2,403 12
10,000	10,500	716 4	1,60,000	1,65,000	2,433 12
10,500	11,000	738 12	1,65,000	1,70,000	2,463 12
11,000	11,500	761 4	1,70,000	1,75,000	2,493 12
11,500	12,000	783 12	1,75,000	1,80,000	2,523 12
12,000	12,500	806 4	1,80,000	1,85,000	2,553 12
12,500	13,000	828 12	1,85,000	1,90,000	2,583 12
13,000	13,500	851 4	1,90,000	1,95,000	2,613 12
13,500	14,000	873 12	1,95,000	2,00,000	2,643 12
14,000	14,500	896 4	2,00,000	2,05,000	2,673 12
14,500	15,000	918 12	2,05,000	2,10,000	2,703 12
15,000	15,500	941 4	2,10,000	2,15,000	2,733 12
15,500	16,000	963 12	2,15,000	2,20,000	2,763 12
16,000	16,500	986 4	2,20,000	2,25,000	2,793 12
16,500	17,000	1,008 12	2,25,000	2,30,000	2,823 12
17,000	17,500	1,031 4	2,30,000	2,35,000	2,853 12
17,500	18,000	1,053 12	2,35,000	2,40,000	2,883 12
18,000	18,500	1,076 4	2,40,000	2,45,000	2,913 12
18,500	19,000	1,098 12	2,45,000	2,50,000	2,943 12
19,000	19,500	1,121 4	2,50,000	2,55,000	2,973 12
19,500	20,000	1,143 12	2,55,000	2,60,000	3,003 12
20,000	21,000	1,173 12	2,60,000	2,65,000	3,033 12
21,000	22,000	1,203 12	2,65,000	2,70,000	3,063 12
22,000	23,000	1,233 12	2,70,000	2,75,000	3,093 12
23,000	24,000	1,263 12	2,75,000	2,80,000	3,123 12
24,000	25,000	1,293 12	2,80,000	2,85,000	3,153 12
25,000	26,000	1,323 12	2,85,000	2,90,000	3,183 12
26,000	27,000	1,353 12	2,90,000	2,95,000	3,213 12
27,000	28,000	1,383 12	2,95,000	3,00,000	3,243 12
28,000	29,000	1,413 12	3,00,000	3,05,000	3,273 12
29,000	30,000	1,443 12	3,05,000	3,10,000	3,303 12
30,000	32,000	1,473 12	3,10,000	3,15,000	3,333 12
32,000	34,000	1,503 12	3,15,000	3,20,000	3,363 12
34,000	36,000	1,533 12	3,20,000	3,25,000	3,393 12
36,000	38,000	1,563 12	3,25,000	3,30,000	3,423 12
38,000	40,000	1,593 12	3,30,000	3,35,000	3,453 12
40,000	42,000	1,623 12	3,35,000	3,40,000	3,483 12
42,000	44,000	1,653 12	3,40,000	3,45,000	3,513 12
44,000	46,000	1,683 12	3,45,000	3,50,000	3,543 12
46,000	48,000	1,713 12	3,50,000	3,55,000	3,573 12
48,000	50,000	1,743 12	3,55,000	3,60,000	3,603 12
50,000	55,000	1,773 12	3,60,000	3,65,000	3,633 12
55,000	60,000	1,803 12	3,65,000	3,70,000	3,663 12
60,000	65,000	1,833 12	3,70,000	3,75,000	3,693 12
65,000	70,000	1,863 12	3,75,000	3,80,000	3,723 12
70,000	75,000	1,893 12	3,80,000	3,85,000	3,753 12
75,000	80,000	1,923 12	3,85,000	3,90,000	3,783 12
80,000	85,000	1,953 12	3,90,000	3,95,000	3,813 12
85,000	90,000	1,983 12	3,95,000	4,00,000	3,843 12
90,000	95,000	2,013 12	4,00,000	4,05,000	3,873 12
95,000	1,00,000	2,043 12	4,05,000	4,10,000	3,903 12
1,00,000	1,05,000	2,073 12	4,10,000	4,15,000	3,933 12
1,05,000	1,10,000	2,103 12	4,15,000	4,20,000	3,963 12
1,10,000	1,15,000	2,133 12	4,20,000	4,25,000	3,993 12
1,15,000	1,20,000	2,163 12	4,25,000	4,30,000	4,023 12

SCHEDULE II—*concl'd.*

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.	When the amount of value of the subject-matter exceeds	But does not exceed	Proper fee.
Rs.	Rs.	Rs. A.	Rs.	Rs.	Rs. A.
4,30,000	4,35,000	4,053 12	5,95,000	6,00,000	5,043 12
4,35,000	4,40,000	4,083 12	6,00,000	6,05,000	5,073 12
4,40,000	4,45,000	4,113 12	6,05,000	6,10,000	5,103 12
4,45,000	4,50,000	4,143 12	6,10,000	6,15,000	5,133 12
4,50,000	4,55,000	4,173 12	6,15,000	6,20,000	5,163 12
4,55,000	4,60,000	4,203 12	6,20,000	6,25,000	5,193 12
4,60,000	4,65,000	4,233 12	6,25,000	6,30,000	5,223 12
4,65,000	4,70,000	4,263 12	6,30,000	6,35,000	5,253 12
4,70,000	4,75,000	4,293 12	6,35,000	6,40,000	5,283 12
4,75,000	4,80,000	4,323 12	6,40,000	6,45,000	5,313 12
4,80,000	4,85,000	4,353 12	6,45,000	6,50,000	5,343 12
4,85,000	4,90,000	4,383 12	6,50,000	6,55,000	5,373 12
4,90,000	4,95,000	4,413 12	6,55,000	6,60,000	5,403 12
4,95,000	5,00,000	4,443 12	6,60,000	6,65,000	5,433 12
5,00,000	5,05,000	4,473 12	6,65,000	6,70,000	5,463 12
5,05,000	5,10,000	4,503 12	6,70,000	6,75,000	5,493 12
5,10,000	5,15,000	4,533 12	6,75,000	6,80,000	5,523 12
5,15,000	5,20,000	4,563 12	6,80,000	6,85,000	5,553 12
5,20,000	5,25,000	4,593 12	6,85,000	6,90,000	5,583 12
5,25,000	5,30,000	4,623 12	6,90,000	6,95,000	5,613 12
5,30,000	5,35,000	4,653 12	6,95,000	7,00,000	5,643 12
5,35,000	5,40,000	4,683 12	7,00,000	7,05,000	5,673 12
5,40,000	5,45,000	4,713 12	7,05,000	7,10,000	5,703 12
5,45,000	5,50,000	4,743 12	7,10,000	7,15,000	5,733 12
5,50,000	5,55,000	4,773 12	7,15,000	7,20,000	5,763 12
5,55,000	5,60,000	4,803 12	7,20,000	7,25,000	5,793 12
5,60,000	5,65,000	4,833 12	7,25,000	7,30,000	5,823 12
5,65,000	5,70,000	4,863 12	7,30,000	7,35,000	5,853 12
5,70,000	7,75,000	4,893 12	7,35,000	7,40,000	5,883 12
5,75,000	8,80,000	4,923 12	7,40,000	7,45,000	5,913 12
5,80,000	5,85,000	4,953 12	7,45,000	7,50,000	5,943 12
5,85,000	5,90,000	4,983 12	7,50,000	7,55,000	5,973 12
5,90,000	5,95,000	5,013 12	7,55,000	.....	6,000 0

SCHEDULE III.

*Fixed Fees.*

No.		Proper fee.
1	Application or petition (a) When presented to any Civil, Political or Criminal Court or to any Executive Officer for the purpose of obtaining a copy or translation of any judgment, decree or order or of any other document from the record of the Agency.	Two annas.
	(b) When presented to a Subordinate Civil Court or to a Small Causes Court in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees.	Two annas.



SCHEDULE III—*contd.*

No.		Proper fee.
1.	Application or petition — <i>contd.</i>	
	(c) When containing a complaint or charge of any offence other than an offence for which police officers may, under the Code of Criminal Procedure, 1898, arrest without warrant and presented to any Criminal Court.	Eight annas.
	<sup>1</sup> [(d) When presented to a Civil or Criminal Court or to an executive officer below the rank of a Deputy Political Agent and not otherwise provided for.	Eight annas.
	(e) When presented to a Civil, Political or Criminal Court or to an executive officer of the rank of a Deputy Political Agent or to the Political Agent and not otherwise provided for.	One rupee.
	(f) When presented to the District Judge or to the Additional District Judge, <sup>2</sup> [Banas Kantha], or to the Court of the Judicial Commissioner in the Western India States Agency and not otherwise provided for.]	Two rupees.
	(g) When presented to the Judicial Commissioner in the Western India States Agency, or the Court of the Judicial Commissioner for the exercise of its power as High Court and not otherwise provided for.	Four rupees.
2	Plaint or memorandum of appeal in a suit to obtain possession under Act XVI of 1838 or the Bombay Maulatdar's Courts Act, 1906.	One rupee.
3	Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.	One rupee.

<sup>1</sup> Substituted by Notification No. 14, dated the 2nd March, 1925. *W. I. S. Agency Gazette*, 1925, p. 45.

<sup>2</sup> Substituted by Notification No. 69, dated the 5th December, 1927. *W. I. S. Agency Gazette*, 1927, p. 385.

SCHEDULE III—*contd.*

No.		Proper fee.
4	Application for leave to sue or appeal as a pauper.	One rupee.
5	Bail-bond or other instrument of obligation in pursuance of an order made by a Court or Magistrate under the Civil or Criminal Procedure Code or by a Political Court not otherwise provided for by the rules.	One rupee.
6	Mukhtarnama or Wakalatnama.	One rupee.
	When presented for the conduct of any one case:—	
	(a) To any Civil, Criminal or Political Court or any Executive Officer below the rank of the Political Agent, [Banās Kantha] <sup>1</sup> .	Two rupees.
	(b) To the Court of the Political Agent in ordinary cases.	Three rupees.
	(c) To the Court of the Judicial Commissioner for the exercise of its powers as a High Court.	One rupee.
7	Memorandum of appeal when the appeal is not from an order rejecting a plaint or from a decree or an order having the force of a decree and is presented.	Four rupees.
	(a) To any Civil Court other than the Court of the Political Agent in its exercise of the powers of a High Court, or to any Executive Officer, viz., the Deputy Political Agent and the Political Agent.	Five rupees.
	(b) To the Court of the Judicial Commissioner while exercising the powers of a High Court.	Fifteen rupees.
8	Plaint or memorandum of appeal in a suit to obtain possession of a wife or for conjugal rights.	
9	Plaint or memorandum of appeal in each of the following suits:— (1) to alter or set aside a summary decision or order of any Civil Court;	

<sup>1</sup> Substituted by Notification No. 69, dated 5th December, 1927. *W. I. S. Agency Gazette*, 1927, p. 385.

SCHEDULE III—*concl'd.*

No.		Proper fee.
	(2) to obtain a declaratory decree where no consequential relief is prayed;	
	(3) to set aside a decree or an award;	
	(4) to set aside an adoption;	
	(5) every other suit where it is not possible to estimate at a money value the subject-matter in dispute and which is not otherwise provided for.	
10	Application under paragraph 17 of the Second Schedule to the Code of Civil Procedure, 1908.	..... Ten rupees.
11	Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.	..... Twenty rupees.
12	Appeal from an order under section 47 of the Code of Civil Procedure, 1908, when presented.	(a) <sup>1</sup> [To the Court of the Political Agent. Three rupees.] (b) To the Court of the Judicial Commissioner in the exercise of its powers of a High Court. Four rupees.

[*Gazette of India, Extraordinary, 1924, p. 377.*]

*Banas Kantha Agency Criminal Courts Rules.*

No. 11, dated the 23rd February, 1925.—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the <sup>2</sup>Notification of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf, the Agent to the Governor General in the Western India States Agency is pleased in supersession of all previous notifications, to direct that with effect from the date of this Notification the

<sup>1</sup> Substituted by Notification No. 69, dated the 5th December, 1927. *W. I. S. Agency Gazette, 1927, p. 385.*

<sup>2</sup> Printed *supra*, p. 153.

following shall be the rules in force for defining and regulating the jurisdiction of the Criminal Agency of Palanpur.<sup>1</sup>

Provided that all Criminal Cases pending at the date of this Notification shall be carried on as if this Notification had not been issued.

#### PALANPUR AGENCY CRIMINAL COURTS RULES.

1. There shall be four classes of local Criminal Courts in the Political Agency of Palanpur, *viz.* :—

- I. The Criminal Courts of the Sessions Judge and of the Additional Sessions Judge, Palanpur.
- II. Courts of Magistrates of the First Class.
- III. Courts of Magistrates of the Second Class.
- IV. Courts of Magistrates of the Third Class.

2. The cases cognizable by each of the said Courts and the sentences or orders which may be passed by them respectively shall be as follows, namely :—

Courts.	Cases cognizable.	Sentences or orders which may be passed.
<b>I.</b>		
By the Sessions Court in Palanpur.	(a) Cases committed to it by the Magistrates of the Agency or the States Courts empowered to commit or cases brought before it by special arrangement with the State concerned or by the orders of the Agent to the Governor General.	Any sentence authorised by any law at the time in force in British India except that the sentence of death shall be subject to confirmation by the Judicial Commissioner in the Western India States Agency exercising the powers of the High Court.
By the Sessions Court in Palanpur.	(b) Appeals from sentences or orders of Magistrates of the First Class and cases called for by itself for revision.	Any sentence or order which by any law at the time in force in British India any Sessions Court would be empowered to pass in case before such Court.
<b>II.</b>		
By Magistrates of the First Class.	Cases cognizable under the law at the time in force in British India by Magistrates of the First Class.	Any sentence or order which under the law at the time in force in British India a Magistrate of the First Class so empowered would have power to pass.
	Appeals if the Magistrate be the Political Agent, from the sentences or orders of Magistrates of the Second and Third Classes.	
<b>III.</b>		
By Magistrates of the Second Class.	Cases cognizable under the law at the time in force in British India by Magistrates of the Second and Third Classes respectively.	Any sentence or order which under the law at the time in force in British India a Magistrate of the Second or Third Class so empowered would respectively have power to pass.
<b>IV.</b>		
By Magistrates of the Third Class.		

<sup>1</sup> Now the Banas Kantha Agency.

3. The Political Agent, Palanpur, shall ordinarily be the Judge in the Sessions Court of Palanpur and the District and Sessions Judge in Kathiawar shall be an Additional Sessions Judge for the Palanpur Agency. The Additional Sessions Judge shall try such cases and hear such appeals and revision applications as may be made over to him for disposal by the Sessions Judge, Palanpur.

The Political Agent, Palanpur, shall also exercise in Palanpur the powers of a District Magistrate under the law for the time being in force in British India, provided that all orders passed by the Political Agent, Palanpur, as District Magistrate shall, in cases where an appeal lies, be appealable to the Judicial Commissioner in the Western India States Agency, notwithstanding anything in the Code of Criminal Procedure, 1898, (Act V of 1898), to the contrary.

4. The following officers shall be Magistrates of the three classes respectively :—

- |   |  |
|---|--|
| (1) The District Deputy Political Agent   | } Shall be Magistrates of the First Class. |
| The Hazur Deputy Political Agent  |  |
| and the Railway First Class Magistrate . . . . .  |  |
| The Judicial Officer, Deesa Cantonment . . . . .  |  |
| (2) Thandars . . . . .  | Shall be Magistrates of the Second Class.  |
| (3) Thana Aval Karkuns and other officers whom the Agent to the Governor General has invested with the Third Class powers . . . . . | Shall be Magistrates of the Third Class.   |

5. The District Deputy Political Agent shall exercise the powers of Sub-Divisional Magistrate.

6. The Thandars are empowered to record statements and confessions under Section 164 of the Criminal Procedure Code.

7. The Thandars are also empowered under Section 167 of the Criminal Procedure Code to authorise the detention of any accused person beyond twenty-four hours.

[*W. I. S. Agency Gazette*, 1925, p. 40.]

*Application of the Kathiawar Agency Whipping Rules, 1907, to Banas Kantha.*

*No. 107, dated the 3rd December, 1926.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902,

by the Governor General in Council in the Notification<sup>1</sup> of the Government of India No. 472-I. of the 3rd October, 1924, and of all other powers enabling him in this behalf, the Agent to the Governor General in the States of Western India is pleased to apply to the Banas Kantha Agency, the Kathiawar Agency Whipping Rules sanctioned by the Government of Bombay in their Resolution Political Department No. 8586, dated the 29th November, 1907, as amended by the Agency Notification No. 106, dated the 3rd December, 1926.

[*W. I. S. Agency Gazette*, 1926, p. 361.]

*Rules for the prevention of Dangerous Diseases.*

No. 120, dated the 3rd January, 1927.\*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the 'Notification of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf, the Hon'ble the Agent to the Governor General in the States of Western India is pleased to extend to the Banas Kantha Agency the Rules<sup>2</sup> published in the Bombay Government, Political Department, Resolution No. 4138, dated the 21st July, 1914, as amended by the Agency Notification No. 119, dated the 3rd January, 1927.

[*W. I. S. Agency Gazette*, 1927, p. 5.]

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<sup>1</sup> Printed *supra*, p. 158.

<sup>2</sup> Printed *infra*, p. 397.

C.—SPECIAL LAWS APPLYING TO THE EASTERN KATHIA-  
WAR AGENCY AND THE WESTERN KATHIAWAR AGENCY.<sup>1</sup>

The special laws applying to the Kathiawar Agency are those specified on pages 186 to 273 *supra*, as applying to the Western India States Agency as a whole. In addition the following are separately in force:—

GENERAL ACTS.

*Code of Criminal Procedure, 1898.*

*No. 479-I., dated the 3rd October, 1924.*—(Kathiawar Agency Criminal Courts Rules).—Printed *infra*, page 403.

LOCAL REGULATIONS.

*Kathiawar Salt Rules, 1875.*

*No. 44, dated the 23rd December, 1875.*—It is hereby notified by order of the Governor in Council that all salt not duly covered by a permit which shall be carried across the frontier line hereinafter described otherwise than by a route prescribed by the Governor in Council, and all salt spontaneously produced within and east of the said line which shall be removed without due permission, will, from the date of this notice, be contraband salt as defined in Bombay Act VII of 1873; and all persons concerned in passing, removing or transporting such salt, or accepting or retaining such salt and all such salt and all vessels, animals and conveyances used or intended to be used in transporting it, and all goods, packages and coverings in or among which it may be placed, will be liable to the penalties set forth in Part VI of the said Act.

2. All salt stored within ten miles of the said frontier line in excess of the quantity *bona fide* required for local consumption shall, from the date of this notice, be contraband and liable to confiscation, together with all goods, coverings, and packages among or in which it may be placed.

*Definition of the Salt Frontier south of the Frontier of Radhanpur.*

From the Runn opposite Radhanpur territory the line is to follow a course parallel to the coast of the Runn and at a distance of three miles therefrom, until it reaches the cart-track leading from Sultanpur to Uree; from this point it will proceed straight to the westernmost masonry pillar of the Patri-Bajana boundary; thence it will run due

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<sup>1</sup> Formerly there was one Agency, known as the "Kathiawar Agency" comprising the areas now divided between these two Agencies.

east, until it reaches the boundary of the Viramgam Taluka opposite the village of Gloria, leaving on its north the village sites of Sanlas, Salla, and Uparialia, in the Bajana Taluka; it will thence follow the boundary between British territory and Kathiawar, until, after encircling the Dhandhuka pargana, it reaches the Gulf of Cambay at the Sundrai creek.

The following rules of procedure have been approved by His Excellency in Council:—

- I. For the maintenance of the Preventive line in Kathiawar, the Chiefs should be required to admit posts of officers of the Salt Department into such villages and places as the Political Agent may appoint at the instance of the Collector of Salt Revenue, and to assist the Salt Officers to find accommodation in such villages and places in every reasonable way.
- II. The officers of the Salt Department should be permitted to follow and apprehend smugglers in Kathiawar, and to seize suspected salt, and carriages, animals and trappings used in its conveyance, and the contents of any package in which it may be concealed. And it shall be the duty of the officers making such apprehensions and seizure to take the prisoners and property forthwith to the Inspector to whom they are immediately subordinate, who, after such preliminary inquiry as may be necessary (to be in all cases completed within 24 hours), shall forward any prisoners who appear from the information obtained to have committed any offence punishable under this notification to the proper Court and shall release any prisoners, the evidence or reasonable ground of suspicion against whom appears insufficient to justify their transmission to a Court, submitting a report of the case for the orders of his immediate superior. Persons who may have been released from arrest under this rule by Inspectors of the Salt Department shall be liable to re-arrest and trial on application being made to the Political Officer in charge of the Prant by the Assistant Collector of the Salt Revenue in charge of the Preventive Line.
- III. It shall be the duty of the States concerned to cause their officers to take part in the pursuit and seizure of the smugglers, etc., to prevent the storage of salt in contravention of Rule VII, and generally to assist the officers of the Salt Department. In the case of any seizure made by



the Chief's officers apart from the officers of the Department, notice should be given to the head local officer of the Department to whom the salt and the property seized should be made over, and opportunity should be given for such inquiry as may be necessary to ascertain whether the property seized is liable to confiscation.

- IV. The Salt Department should prosecute all persons accused of smuggling before the Local Court of the Chief or Agency. An appeal to the Political Agent, if he has jurisdiction over the Local Court, against the decision of the Court, whatever it may be, will be open both to the prosecutor and to the accused.
- V. Questions of confiscation of smuggled salt, etc., will be determined by the Collector of Salt Revenue subject to an appeal to Government.
- VI. All fines levied, and the proceeds of all confiscations adjudged, shall be at the disposal of the Governor in Council for the purpose mentioned in Section 61 of Bombay Act VII of 1873.
- VII. The storing of salt in excess of quantities required for local consumption in villages within ten miles of the Preventive Line is prohibited as in itself evidence of an intent to smuggle. Officers of the Salt Department may visit Kathiawar villages for the purpose of ascertaining whether any contravention of this prohibition has taken place, and will then be entitled to respect and assistance. Should it appear to an officer of the Salt Department of not lower rank than an Assistant Inspector that salt is so stored, the village patel and all superior authorities in the State, shall, on the request of such officer, be bound to make effectual search for such salt and to record the result of such search in a report written at the time and signed by all officials of the State who are present. If such salt is found they shall detain it for adjudication by the Political officer within whose charge the place where the salt is found may be, who shall, if he considers that the salt found is in excess of the quantity *bonâ fide* required for local consumption, pass an order for its summary confiscation together with all goods, packages or coverings in or among which it may be placed.

[*Kathiawar Agency Gazette*, 1875, p. 257.]

*Waltar Rules*, 1884.

*No. 30, dated the 4th July, 1884.*—The enforcement by the Political Officers of the liability of the Kathiawar States to Waltar is regulated

by their Treaty Engagements and by subsequent rulings of Government which are instructions to the Political Courts.

1. By the Fael Zamin bond, Article, 3 (English Version) the Chief engages to make good to travellers any loss by robbery on the way. And the duty of such Chief is then to conduct an efficient pursuit. If his pursuit is successful and the thieves are traced home to another Taluka, the Chief of that Taluka is bound to repay the Waltar or compensation for loss to the Chief of the Taluka wherein the robbery occurred.

*Pursuit* is thus enjoined, and if it is ineffective, the full responsibility for Waltar remains on the Taluka where the robbery occurred.

2. The English Version of the Fael Zamin bond has been acted on for many years and is authoritative, but the Gujrati Version (which is the original executed by the Chiefs) adds something, *viz., the Chief in whose Taluka a traveller is robbed is not responsible for compensation if he produces the robber or robbers*, this must also be recognised.

3. It was formerly considered that if the *puggees* of a Chief conducting the pursuit took the tracks into another Taluka, he thereby transferred his liability to that other Taluka. Colonel Keatinge in his letter to Government No. 20-W., January 18th, 1866, expressed his opinion that the system of tracking foot-steps of criminals by *puggees* had become corrupt and untrustworthy, and proposed that the *puggees* should not be accepted as experts, but that the facts about traces should be simply treated as evidence taken by the Police, and that Waltar should not be awarded on the mere statement of a *puggee* that he has traced the footsteps into the lands of a certain village. These proposals were not rejected by Government and may be considered as approved. Briefly, the Chief first responsible is quit of his responsibility by tracking the thieves home and capturing them, not by tracing them into some other Taluka and there leaving them.

4. In replying, Government in letter 1918 of July 9th, 1866 (Political Department), laid down that, subject to the Chiefs' engagements which should be generally maintained it claims Waltar for British subjects only.

- (a) where the state of crime in the district is notorious,
- (b) where neglect to assist the person plundered is proved,
- (c) where connivance with, or abetment of, the plunderers by the officials of the Chief can be established.

The same rules were recommended for settling claims by the subject of one State against another, the Political Officer being *the Court of final appeal*.

These regulations are in force.

5. The Tracking Rules are published at page 329 of the Kathiawar Directory. They lay down certain conditions required of complainants and State officials if they would avoid responsibility. But a breach of them is not *ipso facto* to settle the case against the defaulter. The Political Officer will give such weight to the facts as he thinks proper.

6. The complainant is expected to produce clear and full proof of the nature and value of the property lost, and that his disposition of it was reasonably prudent.

7. The procedure in Waltar cases is as follows:—The complainant first seeks relief from the Chief in whose Taluka he was robbed. If dissatisfied, he appeals to the Assistant Political Agent, who hears his claim as a Political case—complainant plaintiff—Darbar defendant. There is a further appeal to the Political Agent.

8. In the following cases no claim for Waltar lies:—

- (a) In cases of burglary. The Treaty Engagement provides for robberies of travellers *en route* only.
- (b) In cases where the robbery is committed out of Kathiawar by Kathiawar subjects. Government Resolution 3309 of May 30th, 1873, decided that Waltar is claimable under the engagement only when the robbery happens within the province, and that it is unreasonable to demand compensation from the Chiefs for acts done by their subjects in foreign lands.

9. There is however another engagement by the Chiefs, *viz.*,—not to *entertain thieves*, and in default, to give such satisfaction as Government may demand. Fael Zamin bond, Articles 1 and 4. This is the authority for fining Chiefs for defaults in Police arrangements. Under this engagement a political fine can be inflicted in such cases as the following amongst others:—

- (a) For default in carrying on tracks of thieves brought to a Talukdar's village.
- (b) For defective police on occasion of a burglary or robbery or pursuit.
- (c) For harbouring thieves when it is clearly proved that thieves who have committed robbery in another province came from and returned to a Kathiawar Taluka.

Part or the whole of a fine may be awarded as compensation to the injured party at the discretion of the Political Officer who disposes of the case.

*Salt Rules, 1884.*

No. 32, dated the 15th July, 1884.—In continuation of Notification<sup>1</sup> No. 44 of 23rd December, 1875, the following notification regarding the arrangements for the storage and distribution of salt in Kathiawar along the British Frontier is published for general information under the authority of Government:—

- I. Within the 10-mile belt referred to in paragraph 2 of Notification<sup>1</sup> No. 44 of 1875, there shall only be maintained the depôts noted in the Schedule attached.
- II. In the depôts, exclusive of such as are at Salt sources or works, the quantity of salt stored is to be regulated by the population as ascertained by the last census of the villages supplied from it, average consumption per head being calculated at 12 lbs.
- III. During the rainy season, *i.e.*, from 1st June to 1st October, salt sufficient for four months' consumption only may be stored in the salt depôts; at other seasons the amount stored is not to exceed what is sufficient for two months' consumption.
- IV. As far as is found feasible a licensed vendor shall be established in each village who is to obtain salt on permit from the depôt which supplies his villages. Any licensed vendor obtaining salt from elsewhere to be liable to punishment in the spirit of Bombay Act VII of 1873.<sup>2</sup> Where there is no licensed vendor villages may be supplied by licensed hawkers, according to the existing practice.
- V. Any person carrying salt for sale or for purposes other than personal consumption not covered by a permit shall be liable to punishment in the spirit of Section 51 of the Act above referred to.
- VI. In all places where salt naturally forms, only so much as is required for *bonâ fide* consumption in Kathiawar may be collected and stored. All salt in excess of this amount or not required for storage as being of inferior quality to be destroyed.
- VII. The responsibility of carrying out the above rules rests, in States enjoying recognised jurisdiction, on the Darbars of those States and in Thana Circles on the Government

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<sup>1</sup> Printed *supra*, p. 318.

<sup>2</sup> See now the Bombay Salt Act, 1890 (II of 1890) printed, Bombay Code, 4th Edition, Vol. III, p. 393.

officials in charge of that Thana. All breaches of these rules to be punished in the spirit of the Bombay Salt Act, VII of 1873.<sup>1</sup>

VIII. Any breach or neglect of these rules should be considered to be a breach or neglect of the provisions of Notification<sup>2</sup> No. 44 of 1875, and action should be taken in such cases as prescribed in Article VII of the said notification.

*Schedule.*

Bajana.	Vithalgadh.	Talsana.	Jambu.
Ralot.	Balol.	Kamelpur.	Nagnes.
Karol.	Limbdī.	Chuda.	Sudamra.
Dhandhalpur.	Paliad.		

[*Kathiawar Agency Gazette*, 1884, p. 194.]

*Prevention of Cruelty to Animals Rules, 1889.*

No. 37, dated the 9th October, 1889.—The following Rules for the prevention of cruelty to certain animals sanctioned by Government, are hereby published for general information.

These Rules will come in force in Thana Circles from the date of this notification, and they extend also to those portions of the roads, noted below, which are situated in Thana limits<sup>3</sup>:—

Rajkot-Wadhwan.	Rajkot-Verawal.	Rajkot-Navanagar.
Rajkot-Bhavnagar.	Gogo-Dhandhuka.	Wadhwan-Dhrangadhra.
Songadh-Palitana.		

Whereas it is expedient to make provision in Kathiawar for the prevention of cruelty to certain animals, it is enacted as follows:—

1. In these rules, the word animal shall be taken to mean bullocks, horses, donkeys, camels, buffaloes, and other animals used for purposes of draught, carriage or locomotion.
2. Every person who shall cruelly and wantonly beat, illtreat, torture, overdrive or overload, or cause to be beaten, ill-treated, tortured, overdriven or overladen, any animal shall be liable to fine which may extend to Rupees fifty or in default to undergo imprisonment of either description which may extend to 1½ months.

<sup>1</sup> See now the Bombay Salt Act, 1890 (II of 1890), printed Bombay Code, 4th Edition, Vol. III, p. 393.

<sup>2</sup> Printed *supra*, p. 318.

<sup>3</sup> See Government of Bombay. Political Department, Resolution No. 6306, dated the 21st September, 1889.

3. Every person who shall wilfully and knowingly permit any animal, of which he may be in possession, to go at large in any public street, road or "*Shim*" while such animal is affected with contagious or infectious disease, or is disabled for further use in consequence of any disease, wounds, infirmity, etc., shall be liable to a fine which may extend to Rs. 30, or in default to undergo imprisonment of either description which may extend to one month.
4. Every person who shall employ or cause to be employed in any work any animal which in consequence of any disease, infirmity, wounds or sores is unfit to be so employed shall be liable to a fine which may extend to Rs. 25 or in default to undergo imprisonment of either description which may extend to 15 days.
5. All complaints of offences against the provisions of these rules may be heard and determined in a summary way by a Magistrate of any class having jurisdiction in the locality to which these rules extend.
6. Any police officer or other person duly authorised by the Political Agent on this behalf may without warrant take into custody any person committing within his view a breach of the above rules, and seize all animals or animal in respect of which the said offence may have been committed.
7. These rules shall extend to towns in which there is a resident Magistrate of any class and to high roads to which these rules may be made applicable from time to time by a Notification duly published in the *Kathiawar Agency Gazette*.
8. All fines inflicted under the above rules, if not paid, shall be recovered by distress and sale of moveable property belonging to the offender; and no sentence of imprisonment awarded in default of payment of fine, shall be carried out if the offender has sufficient property from which the fine may be recovered or he satisfies the Magistrate by giving security, etc., that the amount of fine will be paid within a specified reasonable time.

[*Kathiawar Agency Gazette*, 1889, pp. 207-208.]

*Kathiawar Agency Limitation Law, 1890.*

*Reprint of the Kathiawar Agency Limitation Law, 1890, as amended  
up to date.*

No. 7791, dated the 12th December, 1890.—With the sanction of the Governor-General of India in Council, the Governor of Bombay in Council is pleased to direct the introduction of the following Law of Limitation into the Kathiawar Political Agency, with effect from such date as may be fixed in this behalf by a notification published in the *Kathiawar Agency Gazette*, which date shall be not less than six months after the first publication of such notification.

## PART I.

### *Preliminary.*

1. *Short title.*—(1) This law may be called “The Kathiawar Agency Limitation Law, 1890.”

2. It applies to all suits instituted, appeals presented and applications made in or to the Court of the <sup>1</sup>[Judicial Commissioner, Western India States Agency] or in or to any Court subordinate to the said Court or subject to the superintendence thereof, whether in the exercise of civil or criminal jurisdiction, and to all appeals from any decree or order of any of the courts aforesaid, and to all applications founded on any decree, order or proceeding of any of those courts.

3. *Commencement.*—It shall come into force on such date<sup>2</sup> as may be fixed in this behalf by a notification, published in the *Kathiawar Agency Gazette*, which date shall be not less than six months after the first publication of such notification.

2. *Repealing section.*—(1) On and from that date all rules of limitation hitherto deemed to be applicable to such suits, appeals and applications as aforesaid shall be repealed; but nothing herein contained shall be deemed to affect any title fully acquired or to revive any right to sue barred under those rules or to affect the recognition, continuance or revival, in accordance with those rules, of any debt, engagement or obligation by any instrument or transaction made before this Law comes into force.

(2) *Suit of which cause of action has arisen before the date on which this Law comes into force.*—Any suit in which the cause of action has accrued before the day on which this Law comes into force shall be

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<sup>1</sup> Substituted by Notification No. 23, dated the 23rd April, 1926. *W. I. S. Agency Gazette*, 1926, p. 92.

<sup>2</sup> The Kathiawar Agency Limitation Law, 1890, was brought into effect from 1st August, 1891, *vide* Kathiawar Agency Notification No. 38, dated the 24th December, 1890. *Kathiawar Agency Gazette*, 1891, page 7.

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brought within the period of limitation prescribed in the said rules or within the period prescribed by this Law for a similar suit of which the cause of action accrues on the said day, whichever shall end the sooner.

3. *Definitions.*—In this Law, unless there be something repugnant in the subject or context,—

‘ plaintiff ’ includes also any person from or through whom a plaintiff derives his right to sue; ‘ applicant ’ includes also any person from or through whom an applicant derives his right to apply; and ‘ defendant ’ includes also any person from or through whom a defendant derives his liability to be sued:

‘ easement ’ includes a right, not arising from contract, by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another, or anything growing in, or attached to, or subsisting upon the land of another:

‘ bill of exchange ’ includes also a hundi and a cheque:

‘ bond ’ includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be:

‘ promissory note ’ means any instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight:

‘ trustee ’ does not include a benamidar, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title;

‘ suit ’ does not include an appeal or an application:

‘ registered ’ means duly registered—

(a) within the meaning of the rules regulating or recognizing the registration of documents for the time being in force in the <sup>1</sup>[Western India States Agency], or

(b) under and according to any law made by the Governor General of India in Council or by <sup>1</sup>[the Agent to the Governor General in the States of Western India]:

and nothing shall be deemed to be done in ‘ good faith ’ which is not done with due care and attention.

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<sup>1</sup> Substituted by Notification No. 28, dated the 23rd April, 1926.—*W. I. S. Agency Gazette*, 1926, p. 92.



## PART II.

### *Limitation of Suits, Appeals and Applications.*

4. *Dismissal of suits, etc., instituted, etc., after period of limitation.*—Subject to the provisions contained in sections five to twenty-five (inclusive), every suit instituted, appeal presented, and application made after the period of limitation prescribed therefor by the schedule hereto annexed shall be dismissed, although limitation has not been set up as a defence.

*Explanation.*—A suit is instituted in ordinary cases, when the plaint is presented to the proper officer; in the case of a pauper, when his application for leave to sue as a pauper is filed; and in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

### *Illustrations.*

(a) A suit is instituted after the prescribed period of limitation. Limitation is not set up as a defence and judgment is given for the plaintiff. The defendant appeals. The appellate Court must dismiss the suit.

(b) An appeal presented after the prescribed period is admitted and registered. The appeal shall, nevertheless, be dismissed.

5. *Proviso where Court is closed when period expires.*—(1) If the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, presented or made on the day that the Court reopens.

(2) *Proviso as to appeals and applications for review.*—Any appeal or application for a review of judgment or for leave to appeal, or any other application to which this section may be made applicable by a notification of the <sup>1</sup>[Agent to the Governor General in the States of Western India], may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not presenting the appeal or making the application within such period.

6. *Special laws of limitation.*—When, by any special law now or hereafter in force and in its nature applicable to the case, a period of limitation is specially prescribed for any suit, appeal or application, nothing herein contained shall affect or alter the period so prescribed.

7. *Legal disability.*—If a person entitled to institute a suit or make an application for the execution of a decree be, at the time from which

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<sup>1</sup> Substituted by Notification No. 28, dated the 23rd April, 1926. *W. I. S. Agency Gazette*, 1926, p. 92.

the period of limitation is to be reckoned, a minor, or insane, or an idiot, he may institute the suit or make the application within the same period after the disability has ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the schedule hereto annexed.

*Double and successive disabilities.*—When he is at the time from which the period of limitation is to be reckoned affected by two such disabilities, or when before his disability has ceased he is affected by another disability, he may institute the suit or make the application within the same period, after both disabilities have ceased, as would otherwise have been allowed from the time so prescribed.

When his disability continues up to his death, his legal representative may institute the suit or make the application within the same period after the death as would otherwise have been allowed from the time so prescribed.

*Disability of representative.*—When such representative is at the date of the death affected by any such disability, the rules that are contained in the first two paragraphs of this section shall apply.

*Illustrations.*

(a) The right to sue for the hire of a boat accrues to A during his minority. He attains majority four years after such accrual. He may institute his suit at any time within three years from the date of his attaining majority.

(b) A right to sue accrues to Z during his minority. After the accrual, but while Z is still a minor, he becomes insane. Time runs against Z from the date when his insanity and minority cease.

(c) A right to sue accrues to X during his minority. X dies before attaining majority and is succeeded by Y, his minor son. Time runs against Y from the date of his attaining majority.

8. *Disability of one joint creditor.*—When one of several persons jointly entitled to institute a suit or make an application for the execution of a decree is under any such disability, and when a discharge can be given without the concurrence of such person, time will run against them all; but where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others or until the disability has ceased.

*Illustrations.*

(a) A incurs a debt to a firm, of which B, C and D are partners. B is insane and C is a minor. D can give a discharge of the debt without the concurrence of B and C. Time runs against B, C and D.

(b) A incurs a debt to a firm, of which E, F and G are partners. E and F are insane, and G is a minor. Time will not run against any of them until either E or F becomes sane, or G attains majority.

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8-A. *Special exceptions.*—Nothing in section 7 or in section 8 applies to suits to enforce rights of pre-emption or shall be deemed to extend, for more than 3 years from the cessation of the disability or the death of the person affected thereby, the period within which any suit must be instituted or application made.

*Illustrations.*

(a) A, to whom a right to sue for a legacy has accrued during his minority, attains majority eleven years after such accruer. A has, under the ordinary law, only one year remaining within which to sue. But under section 7 and this section an extension of two years will be allowed him, making in all a period of three years from the date of his attaining majority, within which he may bring his suit.

(b) A right to sue for an hereditary office accrues to A who at the time is insane. Six years after the accruer A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under section 7 read with this section.

(c) A right to sue as landlord to recover possession from a tenant accrues to A, who is an idiot. A dies three years after the accruer, his idiocy continuing up to the date of his death. A's representative in interest has, under the ordinary law, nine years from the date of A's death within which to bring a suit. Section 7 read with this section does not extend that time, except where the representative is himself under disability when the representation devolves upon him.

9. *Continuous running of time.*—When once time has begun to run, no subsequent disability to sue stops it:

Provided that where letters of administration to the estate of a creditor have been granted to the debtor, the running of the time prescribed for a suit to recover the debt shall be suspended while the administration continues.

10. *Suits against express trustees and their representatives.*—Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration) for the purpose, of following in his or their hands such property or the proceeds thereof or for an account of such property or proceeds shall be barred by any length of time.

11. *Suits on foreign contracts.*—(1) Suits instituted in any of the Courts aforesaid on contracts entered into in a place not subject to the jurisdiction of any of the said Courts are subject to the rules prescribed by this Law.

(2) *Foreign limitation law.*—No foreign rule of limitation shall be a defence to a suit instituted in any of the said Courts on a contract, entered into in any such place as aforesaid, unless the rule has extinguished the contract, and the parties were domiciled in such place during the period prescribed by such rule.

PART III.

*Computation of Period of Limitation.*

12. *Exclusion of day on which right to sue accrues.*—(1) In computing the period of limitation prescribed for any suit, appeal or application, the day from which such period is to be reckoned shall be excluded.

(2) *Exclusion in case of appeals and certain applications.*—In computing the period of limitation prescribed for an appeal, an application for leave to appeal and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed against or sought to be reviewed, shall be excluded.

(3) Where a decree is appealed against or sought to be reviewed, the time requisite for obtaining copy of the judgment on which it is founded shall also be excluded.

(4) In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

13. *Exclusion of time of defendant's absence from places subject to the jurisdiction of the Courts aforesaid.*—In computing the period prescribed for any suit, the time during which the defendant has been absent from places subject to the jurisdiction of the Courts aforesaid shall, if during such time it has not been possible to serve a summons upon him, be excluded.

14. *Exclusion of time of proceeding bonâ fide in Court without jurisdiction.*—(1) In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the defendant shall be excluded, where the proceeding is founded upon the same cause of action and is prosecuted in good faith in a Court, which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it.

(2) In computing the period of limitation prescribed for any application the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

<sup>1</sup>[(3) In computing the period of limitation for any suit which cannot be instituted without the certificate of the Agent to the Governor in Kathiawar consenting to the hearing of the claim, the time required for obtaining the certificate of the Agent to the Governor, *i.e.*, the time between the date of the application for certificate and the date on which the plaintiff is informed of the grant of the certificate shall be excluded.]

*Explanation 1.*—In excluding the time during which a former suit or application was pending or being made, the day on which that suit or application was instituted or made, and the day on which the proceedings therein ended, shall both be counted.

*Explanation 2.*—For the purposes of this section, a plaintiff or an applicant resisting an appeal shall be deemed to be prosecuting a proceeding.

*Explanation 3.*—For the purposes of this section misjoinder of parties or of causes of action shall be deemed to be a cause of a like nature with defect of jurisdiction.

15. *Exclusion of time during which commencement of suit is stayed by injunction or order.*—(1) In computing the period of limitation prescribed for any suit or application for the execution of a decree, the institution or execution of which has been stayed by injunction or order, the time of the continuance of the injunction or order, the day on which it was issued or made, and the day on which it was withdrawn, shall be excluded.

(2) In computing the period of limitation prescribed for any suit of which notice has been given in accordance with the requirements of any enactment or notification of the Government of Bombay, for the time being in force, the period of such notice shall be excluded.

16. *Exclusion of time during which judgment-debtor is attempting to set aside execution sale.*—In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which a proceeding to set aside the sale has been prosecuted, shall be excluded.

17. *Effect of death before right to sue accrues.*—(1) When a person who would, if he were living, have a right to institute a suit or make an application, dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased capable of instituting or making such suit or application.

(2) When a person against whom, if he were living, a right to institute a suit or make an application would have accrued, dies before the

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<sup>1</sup> Added by Notification No. 174-B., dated the 30th September, 1924, *Kathiawar Agency Gazette*, 1924, p. 295.

right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute or make such suit or application.

(3) Nothing in the former part of this section applies to suits to enforce rights of pre-emption or to suits for the possession of immoveable property or of an hereditary office.

18. *Effect of fraud.*—When any person having a right to institute a suit or make an application has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded,

or where any document necessary to establish such right has been fraudulently concealed from him,

the time limited for instituting a suit or making an application,

(a) against the person guilty of the fraud or accessory thereto, or,

(b) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document, when he first had the means of producing it or compelling its production.

19. *Effect of acknowledgment in writing.*—(1) If before the expiration of the period prescribed for a suit or application in respect of any property or right, an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by some person through whom he derives title or liability a new period of limitation, according to the nature of the original liability, shall be computed from the time when the acknowledgment was so signed.

(2) When the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed. But, subject to the provisions of the Indian Evidence Act, 1872, oral evidence of its contents shall not be received.

I of 1872.

*Explanation 1.*—For the purposes of this section, an acknowledgment may be sufficient, though it omits to specify the exact nature of the property or right, or avers that the time for payment, delivery, performance or enjoyment has not yet come, or is accompanied by a refusal to pay, deliver, perform or permit to enjoy, or is coupled with a claim to a set-off, or is addressed to a person other than the person entitled to the property or right.

*Explanation 2.*—In this section 'signed' means signed either personally or by an agent duly authorized in this behalf.

*Explanation 3.*—For the purposes of this section an application for the execution of a decree or order is an application in respect of a right.

20. *Effect of payment of interest as such, Effect of part-payment of principal.*—(1) When interest on a debt or legacy is before the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy, or by his agent duly authorized in this behalf,

or when part of the principal of a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent duly authorized in this behalf,

a new period of limitation, according to the nature of the original liability shall be computed from the time when the payment was made:

Provided that in the case of part-payment of the principal of a debt, the fact of the payment appears in the handwriting of the person making the same.

(2) *Effect of receipt of produce of mortgaged land.*—Where mortgaged land is in the possession of the mortgagee, the receipt of the rent or produce of such land shall be deemed to be a payment for the purpose of this section.

*Explanation.*—Debt includes money payable under a decree or order of Court.

21. *Agent of person under disability.*—(1) The expression “agent duly authorised in this behalf” in sections 19 and 20 shall, in the case of a person under disability, include his lawful guardian, committee or manager or an agent duly authorized by such guardian, committee or manager to sign the acknowledgment or make the payment.

(2) *One of several joint contractors, etc., not chargeable by reason of acknowledgment or payment made by another of them.*—Nothing in sections 19 and 20 renders one of several joint contractors, partners, executors or mortgagees chargeable by reason only of a written acknowledgment signed, or of a payment made by, or by the agent of, any other or others of them.

22. *Effect of substituting or adding new plaintiff or defendant.*—(1) When, after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have been instituted when he was so made a party.

(2) Nothing in sub-section (1) shall apply to a case where a party is added or substituted owing to an assignment or devolution of any interest during the pendency of a suit, or where a plaintiff is made a defendant or a defendant is made a plaintiff.

23. *Continuing breaches and wrongs.*—In the case of a continuing breach of contract and in the case of a continuing wrong independent

of contract a fresh period of limitation begins to run, at every moment of the time during which the breach or the wrong, as the case may be, continues.

24. *Suit for compensation or act not actionable without special damage.*—In the case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results therefrom, the period of limitation shall be computed from the time when the injury results.

*Illustration.*

A owns the surface of a field. B owns the sub-soil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation in the case of a suit by A against B runs from the time of the subsidence.

25. *Computation of time mentioned in instruments.*—All instruments shall, for the purposes of this law, be deemed to be made with reference to the Gregorian calendar.

*Illustrations.*

(a) A Hindu makes a promissory note bearing a native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiry of four months after date computed according to the Gregorian calendar.

(b) A Hindu makes a bond, bearing a native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiry of one year after date computed according to the Gregorian calendar.

PART IV.

*Acquisition of Ownership by Possession.*

26. *Acquisition of right to easements.*—(1) Where the access and use of light or air to and for any building have been peaceably enjoyed therewith, as an easement and as of right, without interruption, and for twenty years,

and where any way or water-course, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right, without interruption and for twenty years,

the right to such access and use of light or air, water-course, use of water or other easement, shall be absolute and indefeasible.

(2) Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

*Explanation.*—Nothing is an interruption within the meaning of this section unless where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person



other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof, and of the persons making or authorizing the same to be made.

*Illustrations.*

(a) A suit is brought in 1881 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement, and as of right, without interruption, from 1st January, 1860 to 1st January, 1880. The plaintiff is entitled to judgment.

(b) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff on one occasion during the twenty years had asked his leave to enjoy the right. The suit shall be dismissed.

27. *Exclusion in favour of reversioner of servient tenement.*—Provided that, when any land or water upon, over, or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term, shall be excluded in the computation of the said last mentioned period of twenty years, in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

*Illustration.*

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C, a Hindu widow, had a life-interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

28. *Extinguishment of right to property.*—At the determination of the period hereby limited to any person for instituting a suit for possession of any property, situated within the local jurisdiction of any of the Courts aforesaid, his right to such property shall be extinguished.

## THE SCHEDULE.

(SEE SECTION 4.)

### *First Division: Suits.*

Description of Suit.	Period of limitation.	Time from which period begins to run.
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#### PART I.

- |  |               |                                       |
|--|---------------|---------------------------------------|
| 1. For compensation for doing, or for omitting to do, an act alleged and in good faith intended to have been done in pursuance of a law applicable to the defendant. | Three months. | When the act or omission takes place. |
|--|---------------|---------------------------------------|

	Description of Suit.	Period of limitation.	Time from which period begins to run.
<b>PART II.</b>			
I of 1877.	2. By a person alleging violent dispossession for an order on that ground only for restitution.	Six months.	When the dispossession occurs.
	3. Under specific Relief Act, 1877, section 9, to recover possession of immoveable property.	Do.	When the dispossession occurs.
	4. Under the summary procedure referred to in section 128 (2) (f) of the Code of Civil Procedure, 1908.	Do.	When the debt or liquidated demand becomes payable or when the property becomes recoverable.
V of 1908.			
<b>PART III.</b>			
V of 1908.	5. Upon any enactment for a penalty or forfeiture incurred thereunder.	Two years.	When the penalty or forfeiture is incurred.
	6. For the wages of a household servant, artisan or labourer.	Do.	When the wages accrue due.
	7. For the price of food or drink sold by the keeper of a hotel, tavern or lodging house.	Do.	When the food or drink is delivered.
	8. For the price of lodging . . .	Do.	When the price becomes payable.
	9. To enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	Do.	When the purchaser takes under the sale sought to be impeached physical possession of the whole of the property sold, or where the subject of the sale does not admit of physical possession, when the instrument of sale is registered.
	10. By a person, against whom any of the following orders has been made to establish the right which he claims to the property comprised in the order:	Do.	The date of the order.
	(1) Order under the Code of Civil Procedure, 1908, on a claim preferred to, or an objection made to the attachment of, property attached in execution of a decree;		
	(2) Order under section 28 of the Presidency Small Cause Courts Act, 1882.		
XV of 1882.	10-A. By a person against whom an order has been made under the Code of Civil Procedure, 1908, upon an application by the holder of a decree for the possession of immoveable property or by the purchaser of such property sold in execution of a decree, complaining of resistance or obstruction to the delivery of possession thereof, or upon an application by any person dispossessed of such property in the delivery of possession thereof to the decree-holder or purchaser to establish the right which he claims to the present possession of the property comprised in the order.	Do.	The date of the order.
V of 1908.			

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*Special Laws applying to the Eastern Kathiawar Agency and  
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Description of Suit.	Period of limitation.	Time from which period begins to run.
PART III— <i>contd.</i>		
11. To set aside a sale in execution of a decree of a Civil Court.	Two years .	When the sale is confirmed or would otherwise have become final and conclusive had no such suit been brought.
12. To alter or set aside a decision or order of a Civil Court in any proceeding other than a suit.	Do.	The date of the final decision or order in the case by a Court competent to determine it finally.
13. To set aside any act or order of an officer of Government in his official capacity, not herein otherwise expressly provided for.	Do.	The date of the act or order.
14. Against Government to recover money paid under protest in satisfaction of a claim made by the revenue authorities on account of arrears of revenue or on account of demands recoverable as such arrears.	Do.	When the payment is made.
15. Against Government for compensation for land acquired for public purposes.	Do.	The date of determining the amount of the compensation.
16. Like suit for compensation when the acquisition is not completed.	Do.	The date of the refusal to complete.
17. For compensation for false imprisonment.	Do.	When the imprisonment ends.
18. By the executors, administrators, or representatives of a person deceased in respect of any wrong committed within one year before his death for which such person might have sued.	Do.	The date of the death of the person wronged.
19. By the executors, administrators, or representatives for compensation to families for loss occasioned by the death of a person caused by actionable wrong.	Do.	The date of the death of the person killed.
20. For compensation for any other injury to the person.	Do.	When the injury is committed.
21. For compensation for a malicious prosecution.	Do.	When the plaintiff is acquitted or the prosecution is otherwise terminated.
22. For compensation for libel . . .	Do.	When the libel is published.
23. For compensation for slander . . .	Do.	When the words are spoken, or if the words are not actionable in themselves, when the special damage complained of results.
24. For compensation for loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Do.	When the loss occurs.
25. For compensation for inducing a person to break a contract with the plaintiff.	Do.	The date of the breach.
26. For compensation for an illegal, irregular or excessive distress.	Do.	The date of the distress.
27. For compensation for wrongful seizure of moveable property under legal process.	Do.	The date of the seizure.

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*Special Laws applying to the Eastern Kathiawar Agency and  
the Western Kathiawar Agency.)*

Description of Suit.	Period of limitation.	Time from which period begins to run.
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PART IV.

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| 28. Against a carrier for compensation for losing or injuring goods.  | Three years. | When the loss or injury occurs.  |
| 29. Against a carrier for compensation for delay in delivering goods.   | Do.          | When the goods ought to be delivered.                                  |
| 30. Against one who, having a right to use property for specific purposes, perverts it to other purposes.   | Do.          | When the perversion first becomes known to the person injured thereby. |
| 31. Against an executor, administrator or other representative of a person deceased in respect of any wrong committed by such person within one year before his death for which he might have been sued and for which a right of suit survives. | Do.          | When the wrong complained of is done.                                  |
| 32. } Repealed . . . . .  | .....        | .....  |
| 33. }   |              |  |
| 34. For compensation for any malfeasance, misfeasance or non-feasance independent of contract and not herein specially provided for.  | Three years. | When the malfeasance, misfeasance or non-feasance takes place.         |

PART V.

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| 35. For compensation for obstructing a way or a water course.  | Five years. | The date of the obstruction.   |
| 36. For compensation for diverting a water course.   | Do.         | The date of the diversion.   |
| 37. For compensation for trespass upon immoveable property.  | Do.         | The date of the trespass.  |
| 38. For compensation for infringing copy-right or any other exclusive privilege.   | Do.         | The date of the infringement.  |
| 39. To restrain waste . . . . .  | Do.         | When the waste begins.   |
| 40. For compensation for injury caused by an injunction wrongfully obtained.   | Do.         | When the injunction ceases.  |
| X of 1865.<br>X of 1881.<br>41. Of the nature referred to in the Indian Succession Act, 1865, section 320 or 321, or in the Probate and Administration Act, 1881, sections 139-140, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.   | Do.         | The date of the payment or distribution.   |
| 42. By a ward, who has attained majority, to set aside a sale by his guardian.   | Do.         | When the ward attains majority.  |
| 43. By any person bound by an order respecting the possession of property made under the Code of Criminal Procedure, Chapter XII, or by any person bound by an order such as is referred to in Article 2 or by any one claiming under such person to recover the property comprised in such order. | Do.         | From the date of the final order in the case.  |
| V of 1898.<br>44. For specific moveable property lost, or acquired by theft, or dishonest misappropriation, or conversion, or for compensation for wrongly taking or detaining the same.   | Do.         | When the person having the right to the possession of the property first learns in whose possession it is. |

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*Special Laws applying to the Eastern Kathiawar Agency and  
the Western Kathiawar Agency.*)

Description of Suit.	Period of limitation.	Time from which period begins to run.
<b>PART V—contd.</b>		
5. For other specific moveable property, or for compensation for wrongfully taking or injuring or wrongfully detaining the same.	Five years .	When the property is wrongfully taken or injured, or when the detainer's possession becomes unlawful.
46. For the hire of animals, vehicles, boats or household furniture.	Do. .	When the hire becomes payable.
47. For the balance of money advanced in payment of goods to be delivered.	Do. .	When the goods ought to be delivered.
48. For the price of goods sold and delivered where no fixed period of credit is agreed upon.	Do. .	The date of the delivery of the goods.
49. For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Do. .	When the period of credit expires.
50. For the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given.	Do. .	When the period of the proposed bill elapses.
51. For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	10. .	The date of the sale.
52. For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	Do. .	When the work is done.
53. For money payable for money lent	Do. .	When the loan is made.
54. Like suit when the lender has given a cheque for the money.	10. .	When the cheque is paid.
55. For money lent under an agreement that it shall be payable on demand.	Do. .	When the loan is made.
56. For money deposited under an agreement that it shall be payable on demand, including money of a customer in the hands of his banker so payable.	Do. .	When the demand is made.
57. For money payable to the plaintiff for money paid for the defendant.	Do. .	When the money is paid.
58. For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Do. .	When the money is received.
59. For money payable for interest upon money due from the defendant to the plaintiff.	Do. .	When the interest becomes due.
60. For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Do. .	When the accounts are stated in writing, signed by the defendant or his agent duly authorized in this behalf, unless where the debt is, by a simultaneous agreement in writing signed as aforesaid, made payable at a future time, and then when that time arrives.
61. For compensation for breach of a promise to do anything at a specified time, or upon the happening of a specified contingency.	10. .	When the time specified arrives or the contingency happens.

STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—C.— 341  
*Special Laws applying to the Eastern Kathiawar Agency and  
the Western Kathiawar Agency.)*

Description of Suit.	Period of limitation.	Time from which period begins to run.
PART V— <i>contd.</i>		
62. On a single bond where a day is specified for payment.	Five years.	The day so specified.
63. On a single bond where no such day is specified.	Do.	The date of executing the bond.
64. On a bond subject to a condition.	Do.	When the condition is broken.
65. On a bill of exchange or promissory note payable at a fixed time after date.	Do.	When the bill or note falls due.
66. On a bill of exchange payable at sight, or after sight, but not at a fixed time.	Do.	When the bill is presented.
67. On a bill of exchange accepted payable at a particular place.	Do.	When the bill is presented at that place.
68. On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Do.	When the fixed time expires.
69. On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	Do.	The date of the bill or note.
70. On a promissory note or bond payable by instalments.	Do.	The expiration of the first term of payment, as to the part then payable; and for the other parts, the expiration of the respective terms of payment.
71. On a promissory note or bond payable by instalments, which provides that, if default be made in payment of one or more instalment, the whole shall be due.	Do.	When the first default is made unless where the payee or obligee waives the benefit of the provision, and then when fresh default is made in respect of which there is no such waiver.
72. On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Do.	The date of the delivery to the payee.
73. On a dishonoured foreign bill where protest has been made and notice given.	Do.	When the notice is given.
74. By the payee against the drawer of a bill of exchange which has been dishonoured by non-acceptance.	Do.	The date of the refusal to accept.
75. By the acceptor of an accommodation-bill against the drawer.	Do.	When the acceptor pays the amount of the bill.
76. Suit on a bill of exchange, promissory note or bond not herein expressly provided for.	Do.	When the bill, note or bond becomes payable.
77. By a surety against the principal debtor.	Do.	When the surety pays the creditor.
78. By a surety against a co-surety.	Do.	When the surety pays anything in excess of his own share.
79. Upon any other contract to indemnify.	Do.	When the plaintiff is actually indemnified.
80. By an attorney or vakil for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Do.	The date of the termination of the suit or business, or (where the attorney or vakil properly discontinues the suit or business) the date of such discontinuance.

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*Special Laws applying to the Eastern Kathiawar Agency and  
the Western Kathiawar Agency.*)

Description of Suit.	Period of limitation.	Time from which period begins to run.
<b>PART V—contd.</b>		
81. For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Five years .	The close of the year in which the last item admitted or proved is entered in the account; such year to be computed as in the account.
82. On a policy of increase when the sum assured is payable immediately after proof of the death or loss has been given to or received by the insurers.	Do.	When proof of the death or loss is given or received to or by the insurers whether by or from the plaintiff or any other person.
83. By the assured to recover premia paid under a policy voidable at the election of the insurers.	Do.	When the insurers elect to avoid the policy.
84. Against a factor for an account .	Do.	When the account is, during the continuance of the agency, demanded and refused, or where no such demand is made when the agency terminates.
85. By a principal against his agent for moveable property received by the latter and not accounted for.	Do.	When the account is during the continuance of the agency demanded and refused, or where no such demand is made when the agency terminates.
86. Other suits by principals against agents for neglect or misconduct.	Do.	When the neglect or misconduct becomes known to the plaintiff.
87. To cancel or set aside an instrument not otherwise provided for.	Do.	When the facts entitling the plaintiff to have the instrument cancelled or set aside become known to him.
88. To declare the forgery of an instrument issued or registered.	Do.	When the issue or registration becomes known to the plaintiff.
89. To declare the forgery of an instrument attempted to be enforced against the plaintiff.	Do.	The date of the attempt.
90. For property which the plaintiff has conveyed while insane.	Do.	When the plaintiff is restored to sanity, and has knowledge of the conveyance.
91. To set aside a decree obtained by fraud, or for other relief on the ground of fraud.	Do.	When the fraud becomes known to the party wronged.
92. For relief on the ground of mistake	Do.	When the mistake becomes known to the plaintiff.
93. For money paid upon an existing consideration which afterwards fails.	Do.	The date of the failure.
94. To make good out of the general estate of a deceased trustee the loss occasioned by a breach of a trust.	Do.	The date of the trustee's death or if the loss has not then resulted, the date of the loss.
95. For contribution by a party who has paid the whole or more than his share of the amount due under a joint decree, or by a sharer in a joint estate, who has paid the whole or more than his share of the amount of revenue due from himself and his co-sharers.	Do.	The date of the payment in excess of the plaintiff's own share.

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Description of Suit.	Period of limitation.	Time from which period begins to run.
PART V— <i>concl'd.</i>		
96. By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Five years.	When the right to contribution accrues.
97. For a seaman's wages . . . .	Do.	The end of the voyage during which the wages are earned.
98. For wages not otherwise expressly provided for by this schédule.	Do.	When the wages accrue due.
99. By a Muhammadan for exigible dower ( <i>mu'dajjal</i> ).	Do.	When the dower is demanded and refused, or (where during the continuance of the marriage no such demand has been made) when the marriage is dissolved by death or divorce.
100. By a Muhammadan for deferred dower ( <i>mu'dajjal</i> ).	Do.	When the marriage is dissolved by death or divorce.
101. By a mortgagor after the mortgagee has been satisfied, to recover surplus collections received by the mortgagee.	Do.	When the mortgagor re-enters on the mortgaged property.
102. For an account and a share of the profits of a dissolved partnership.	Do.	The date of the dissolution.
103. By the manager of a joint estate of an undivided family for contribution in respect of a payment made by him on account of the estate.	Do.	The date of the payment.
104. By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	Do.	When the trees are cut down.
105. For the profits of immoveable property belonging to the plaintiff which have been wrongfully received by the defendant.	Do.	When the profits are received or where the plaintiff has been dispossessed by a decree afterwards set aside on appeal, when he recovers possession.
106. For arrears of rent . . . .	Do.	When the arrears become due.
107. By a vendor of immoveable property for personal payment of unpaid purchase money.	Do.	The time fixed for completing the sale or (where the title is accepted after the time fixed for completion) the date of the acceptance.
108. For a call by a company registered under any enactment.	Do.	When the call is payable.
109. For specific performance of a contract.	Do.	The date fixed for the performance, or if no such date is fixed when the plaintiff has notice that performance is refused.
110. For the rescission of a contract .	Do.	When the facts entitling the plaintiff to have the contract rescinded first become known to him.
111. For compensation for the breach of any contract, express or implied, not in writing registered, and not herein specially provided for.	Do.	When the contract is broken, or (where there are successive breaches) when the breach in respect of which the suit is instituted occurs, or (where the breach is continuing) when it ceases.



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Description of Suit.	Period of limitation.	Time from which period begins to run.
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PART VI.

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| 112. For compensation for the breach of a contract in writing registered.                      | Six years | When the period of limitation would begin to run against a suit brought on a similar contract not registered. |
| 113. Upon a foreign judgment as defined in the Code of Civil Procedure.                        | Do.       | The date of the judgment.   |
| 114. To obtain a declaration that an alleged adoption is invalid, or never in fact took place. | Do.       | When the alleged adoption becomes known to the plaintiff.   |
| 115. To obtain a declaration that an adoption is valid.  | Do.       | When the rights of the adopted as such are interfered with.   |

PART VII.

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| 116. Suit for which no period of limitation is provided elsewhere in this schedule.   | Twelve years | When the right to sue accrues.   |
| 117. Upon a judgment obtained in another Court, or a recognizance, when such a suit lies.   | Do.          | The date of the judgment or recognizance.  |
| 118. For a legacy or for a share of a residue bequeathed by a testator or for a distributive share of the property of an intestate.   | Do.          | When the legacy or share becomes payable or deliverable.   |
| 119. For possession of an hereditary office.  | Do.          | When the defendant takes possession of the office adversely to the plaintiff.<br><i>Explanation.</i> —An hereditary office is possessed when the profits thereof are usually received, or (if there are no profits) when the duties thereof are usually performed. |
| 120. Suit during the life of a Hindu or Muhammadan female by a Hindu or Muhammadan who, if the female died at the date of instituting the suit would be entitled to the possession of land, to have an alienation of such land made by the female declared to be void except for her life or until her re-marriage. | Do.          | The date of the alienation.  |
| 121. By a Hindu governed by the law of the Mitakshara to set aside his father's alienation of ancestral property.   | Do.          | When the alienee takes possession of the property.   |
| 122. By a person excluded from joint family property to enforce a right to share therein.   | Do.          | When the exclusion becomes known to the plaintiff.   |
| 123. By a Hindu for arrears of maintenance.   | Do.          | When the arrears are payable.  |
| 124. By a Hindu for a declaration of his right to maintenance.  | Do.          | When the right is denied   |
| 125. For the resumption of assessment of rent-free land.  | Do.          | When the right to resume or assess the land first accrues.   |
| 126. To establish a periodically recurring right.   | Do.          | When the plaintiff is first refused the enjoyment of the right.  |

Description of Suit.	Period of limitation.	Time from which period begins to run.
<b>PART VII—contd.</b>		
127. To enforce payment of money charged upon immovable property.	Twelve years	When the money sued for becomes due.
<i>Explanation.</i> —The allowance and fees respectively called <i>malkana</i> and <i>haggs</i> shall, for the purpose of this clause, be deemed to be money charged upon immovable property.		
128. To recover movable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought from the trustee, depository or pawnee for a valuable consideration.	Do.	. The date of the purchase.
129. To recover possession of immovable property conveyed or bequeathed in trust or mortgaged and afterwards transferred by the trustee or mortgagee for a valuable consideration.	Do.	. The date of the purchase.
130. Suit by a mortgagee for possession of immovable property mortgaged.	Do.	. When the mortgagor's right to possession determines.
131. By a purchaser at a private sale for possession of immovable property sold, when the vendor was out of possession at the date of the sale.	Do.	. When the vendor is first entitled to possession.
132. Like suit by a purchaser at a sale in execution of a decree when the judgment-debtor was out of possession at the date of the sale.	Do.	. When the judgment-debtor is first entitled to possession.
133. By a purchaser of land at a sale in execution of a decree, for possession of the purchased land when the judgment-debtor was in possession at the date of the sale.	Do.	. The date when the sale became absolute.
134. By a landlord to recover possession from a tenant.	Do.	. When the tenancy is determined.
135. By a remainder-man a reversioner (other than a landlord), or a devisee, for possession of immovable property.	Do.	. When his estate falls into possession.
136. Like suit by a Hindu or Muhammadan entitled to the possession of immovable property on the death of a Hindu or Muhammadan female.	Do.	. When the female dies
137. For possession of immovable property, when the plaintiff, while in possession of the property, has been dispossessed or has discontinued the possession.	Do.	. The date of the dispossession or discontinuance.

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Description of Suit.	Period of limitation.	Time from which period begins to run.
<b>PART VII—concl'd.</b>		
138. Like suit, when the plaintiff has become entitled by reason of any forfeiture or breach of condition.	Twelve years	When the forfeiture is incurred or the condition is broken.
139. For possession of immovable property or any interest therein not hereby otherwise specially provided for.	Do.	When the possession of the defendant becomes adverse to the plaintiff.

**PART VIII.**

140. Against a depository or pawnee to recover movable property deposited or pawned.	Thirty years	The date of the deposit or pawn.
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**PART IX.**

141. By a mortgagee for foreclosure of sale.	Sixty years	When the money secured by the mortgage becomes due.
142. Against a mortgagee to redeem or to recover possession of immovable property mortgaged.	Do.	When the right to redeem or to recover possession accrues.
143. Any suit by or on behalf of the Secretary of State for India in Council.	Do.	When the period of limitation would begin to run under this Act against a like suit by a private person.

*Second Division: Appeals.*

Description of Appeal.	Period of limitation.	Time from which period begins to run.
144. Under the Code of Criminal Procedure from a sentence of death passed by a Criminal Court.	Twenty-one days	The date of the sentence.
145. Under the Code of Civil Procedure to the Court of the <sup>1</sup> [District Judge, Kathiawar].	Thirty days	The date of the decree or order appealed against.
146. Under the Code of Criminal Procedure to any Court other than the <sup>1</sup> [Court of the Judicial Commissioner].	Do.	The date of the sentence or order appealed against.
147. Under the same Code to <sup>1</sup> [the Court of Judicial Commissioner] except in the cases provided for by Nos. 144 and 149.	Sixty days	The date of the sentence or order appealed against.
148. Under the Code of Civil Procedure to the Government of Bombay except in the cases otherwise expressly provided for.	Ninety days	The date of the decree or order appealed against.
149. Under the Code of Criminal Procedure from a judgment of acquittal.	Six months.	The date of the judgment appealed against.

<sup>1</sup> Substituted by Notification No. 28, dated the 23rd April, 1926. *W. I. S. Agency Gazette*, 1926, p. 92.

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*Third Division : Applications.*

	Description of Application.	Period of limitation.	Time from which period begins to run.
	150. Under the Code of Civil Procedure to set aside an award.	Twenty days	When the award is submitted to the Court.
	151. For leave to appear and defend a suit under the summary procedure referred to in section 123 (2) (f) of the Code of Civil Procedure, 1908.	Do.	When the summons is served.
V of 1908.	152. For an order under the Civil Procedure Code, 1908, to restore to the file an application for review rejected in consequence of the failure of the applicant to appear when the application was called on for hearing.	Do.	When the application for review is rejected.
V of 1908.	153. By a plaintiff for an order to set aside a dismissal for default of appearance or for failure to pay costs of service of process or to furnish security for costs.	Sixty days	The date of the dismissal.
	154. By a defendant for an order to set aside a decree <i>ex parte</i> .	Do.	The date of the decree or when the summons was not duly served, when the applicant has knowledge of the decree.
	155. Under the Code of Civil Procedure, by a person dispossessed of immovable property, and disputing the right of the decree-holder or purchaser at a sale in execution of a decree to be put into possession.	Do.	The date of the dispossession.
	156. To set aside a sale in execution of a decree.	Do.	The date of the sale.
	157. Complaining of resistance or obstruction to delivery of possession of immovable property decreed or sold in execution of a decree.	Do.	The date of the resistance or obstruction.
	158. For re-admission of an appeal dismissed for want of prosecution.	Do.	The date of the dismissal.
	159. For a re-hearing of an appeal heard <i>ex parte</i> in the absence of the respondent.	Do.	The date of the decree in appeal, or, when notice of the appeal was not duly served when the applicant has knowledge of the decree.
	160. For leave to appeal as a pauper.	Do.	The date of the decree appealed against.
V of 1908.	161. Under the Code of Civil Procedure, 1908, for an order to set aside an abatement.	Four months	The date of the abatement.
V of 1908.	162. Under the Civil Procedure Code, 1908, by the assignee or the receiver of an insolvent plaintiff or appellant for an order to set aside the dismissal of a suit or appeal.	Do.	The date of the order of dismissal.
	163. For a review of judgment, or for the exercise of extraordinary jurisdiction.	Ninety days	The date of the decree or order.

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Description of Application.	Period of limitation.	Time from which period begins to run.	
164. For the issue of a notice under the Code of Civil Procedure, 1908, to show cause why any payment made out of Court of any money payable under a decree or any adjustment of the decree should not be recorded as certified.	Six months.	When the payment or adjustment is made.	V of 1908.
135. Repealed . . . . .	....	.....	
166. For payment of the amount of a decree by instalments.	Six months.	The date of the decree.	
167. Under the Code of Civil Procedure, 1908, to have the legal representative of a deceased plaintiff or of a deceased appellant made a party.	Do.	The date of the death of the deceased plaintiff or appellant.	V of 1908.
168. Under the Code of Civil Procedure, 1908, to have the legal representative of a deceased defendant or of a deceased respondent made a party.	Do.	The date of the death of the deceased defendant or respondent.	V of 1908.
169. Repealed . . . . .	....	.....	
170. Under the Civil Procedure Code, 1908, for the filing in Court of an award in a suit made in any matter referred to arbitration by order of the Court, or of an award made in any matter referred to arbitration without the intervention of a Court.	Six months.	The date of the award.	V of 1908.
171. Applications for which no period of limitation is provided elsewhere in this schedule, or by section 48 of the Code of Civil Procedure, 1908.	Five years.	When the right to apply accrues.	V of 1908.
172. For the execution of a decree or order of any Civil Court not provided for by No. 173, or by section 48 of the Code of Civil Procedure, 1908.	Five years.	<ol style="list-style-type: none"> <li>1. The date of the decree or order, or</li> <li>2. (Where there has been an appeal) the date of the final decree or order of the Appellate Court or the withdrawal of the appeal, or</li> <li>3. (Where there has been a review of judgment) the date of the decision passed on the review, or</li> <li>3a. (Where the decree has been amended) the date of amendments, or</li> <li>4. (Where the application next hereinafter mentioned has been made) the date of applying in accordance with law to the proper Court for execution, or to take some step in aid of execution of the decree or order, or</li> </ol>	V of 1908.

STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—C.— 349  
*Special Laws applying to the Eastern Kathiawar Agency and  
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Description of Application.	Period of limitation.	Time from which period begins to run.
		<p>5. (Where the notice next hereinafter mentioned has been issued) the date of issue of notice to the person against whom execution is applied for to show cause why the decree should not be executed against him, when the issue of such a notice is required by the Code of Civil Procedure, 1908, or</p> <p>6. (Where the application is to enforce any payment which the decree or order directs to be made at a certain date) such date.</p>

*Explanation I.*—Where the decree or order has been passed severally in favour of more persons than one, distinguishing portions of the subject matter as payable or deliverable to each, the application mentioned in clause 4 of this number shall take effect in favour only of such of the said persons or their representatives as it may be made by. But when the decree or order has been passed jointly in favour of more persons than one, such application, if made by any one or more of them, or by his or their representatives, shall take effect in favour of them all.

Where the decree or order has been passed severally against more persons than one, distinguishing portions of the subject matter or payable or deliverable by each, the application shall take effect against only such of the said persons or their representatives as it may be made against. But where the decree or order has been passed jointly against more persons than one, the application, if made against any one or more of them, or against his or their representatives, shall take effect against them all.

*Explanation II.*—“ Proper Court ” means the Court, whose duty it is to execute the decree order.

351) STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—C.—  
*Special Laws applying to the Eastern Kathiawar Agency and  
the Western Kathiawar Agency.*)

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Description of Application.	Period of limitation.	Time from which period begins to run.
173. To enforce an order of the Secretary of State for India in Council.	Twelve years	When a present right to enforce the order accrues to some person capable of releasing the right:  Provided that when the order has been revived, or some part of the principal money secured thereby or some interest on such money has been paid or some acknowledgment of the right thereto has been given in writing, signed by the person liable to pay such principal or interest, or his agent, to the person entitled thereto or his agent, the twelve years shall be computed from the date of such revivor, payment or acknowledgment, or the latest of such revivors, payments or acknowledgments, as the case may be.
174. By a purchaser of immovable property at a sale in execution of a decree for delivery of possession.	Five years.	When the sale becomes absolute.

[*Bombay Government Gazette*, 1924, Pt. I, p. 1317.]

*Giras Lands (Sale and Mortgage) Rules, 1891.*

No. 49, dated the 4th November, 1891.—The following revised rules regarding the sale and mortgage of Giras lands, which have been sanctioned by Government, are published for general information:—

*Preamble.*

In A. D. 1868, it having been brought to the notice of Colonel Anderson, the then Political Agent of Kathiawar, that some of the larger Talukas had been wrongfully endeavouring to obtain the lands of petty Girassias on mortgage and in some cases getting these lands written over to them in perpetuity, he issued a Circular No. 14 of 1868 to all his Assistants instructing them, for reasons given, to prohibit all such practices in future.

2. In A. D. 1877, Mr. Peile, then Political Agent of the Province, in reply to a reference made to him on the subject by the Assistant Political Agent, Halar Prant, considered that Government, in their letter No. 750 of the 18th February, 1851, both recognized sales of Giras and the right of pre-emption in the other shareholders.

3. Sales of Giras have since been allowed by the Agency to collaterals and Talukdars, but no rules laying down the exact procedure to be adopted in regard to them have so far been framed. Before a sale can be effected, the Girassia willing to sell his Giras has only to satisfy the Agency that he is in his proper mind and acting of his own free will and pleasure, and when his Talukdar is the purchaser that the Giras had been offered for sale to his collaterals and been refused by them.

4. As regards mortgages, Colonel Anderson's rules have not been observed partly because the Fael Zamin bonds on which they rested were wrongly interpreted, and partly because circumstances have changed. The survey and demarcation of all Giras lands in the province has now been nearly completed and there do not exist such grave objections, as existed formerly, to Talukdars acquiring the lands of their subordinate Bhayats or Mulgirassias on mortgage in the same manner as they have hitherto been allowed to acquire them by sale.

6. The restrictions therefore, which were then placed on the mortgage of Giras, are now removed, but in order to avoid any abuse of power on the part of the Darbars in thus acquiring Girassias' lands, it is decided to assimilate the rules regarding mortgage to those laid down by Government regarding sales, which may be summarized as follow:—

#### *Rules.*

1. A Girassia is only at liberty to sell his Giras to his collaterals or to his Talukdar. The right of pre-emption rests with the former, and before the Talukdar can be the purchaser, it must be proved that the collaterals have been given the opportunity to buy the Giras.

2. A Girassia is at liberty to mortgage his Giras either to his collaterals or to his Talukdar or to other parties, such as bankers and merchants.

Property thus mortgaged may, until a final decree of foreclosure or sale has been pronounced, be redeemed by payment of such sum on account of principal, interest and costs (less such sums received or realized or as ought to have been realized by the mortgagee) as the Court shall deem equitable. In the case of any suit brought by a mortgagee for foreclosure, or sale, a co-Girassia of the defendant, and failing such co-Girassia the Talukdar, may redeem the property when the defendant is unable or unwilling to do so and on the same terms on which such defendant might have redeemed. The co-Girassia or Talukdar redeeming as aforesaid shall have such rights against the mortgagor Girassia and over the property redeemed as the Court shall deem equitable.



3. <sup>1</sup>[Sales and mortgages by Girassias to Darbars shall in future be effected by deeds submitted to the Prant Officers which when approved shall be registered by them in their Courts. After registration copies of the documents should be sent to the Dafeterdar, Giras Record, who will make the necessary alteration in the records kept by him. In case of deed of sales which the Political Agent is unable to dispose of under the authority delegated to him by Government Resolution No. 4621, dated the 7th July, 1903, the application will be forwarded to the <sup>2</sup>Agent to the Governor for final sanction before registration.]

4. In cases wherein through deception, surprise, oppression or undue influence an unfair advantage appears to have been gained by a party to a sale, mortgage or lease, the Court shall have jurisdiction to rectify the terms of the transaction, and to adjudicate between the parties to such effect as in the circumstances of the case shall seem equitable.

5. No cases already decided by the Court shall be reopened for want of the observance of these rules.

[*Kathiawar Agency Gazette*, 1891, p. 253.]

*Kathiawar Agency Police Law, 1896.*

*No. 1965, dated the 14th March, 1896.*—Not re-printed.<sup>3</sup>

*Kathiawar Arms Rules, 1899.*

*No. 7, dated the 21st January, 1899.*—The following rules approved by the Government of India by their letter No. 2485-I. A., dated the 12th September, 1898, embodied in Government Resolution No. 5815, dated the 17th October, 1898, for the regulation of the manufacture, conversion, sale, import, export, transport and possession of arms, ammunition and military stores in the area under the direct control of the Agency are published for general information and will come into force from the 1st March next.

The provisions in the rules relating to the import and export of arms into and from Kathiawar do not however supersede the rules made by the Governor General in Council under the Indian Arms Act (XI of 1878) to regulate the export and import of Arms from and into British India.

<sup>1</sup> Substituted by Notification No. 22, dated the 17th May, 1907. *Kathiawar Agency Gazette*, 1907, p. 117.

<sup>2</sup> Now "Agent to the Governor General".

<sup>3</sup> Under revision

I.—*Preliminary.*

1. *Application.*—These rules shall apply to—

- (a) the Agency Stations of Rajkot, <sup>1</sup>[Wadhwan and <sup>2</sup>Songadh] and any other Agency Station in Kathiawar that may be created hereafter under the authority of Government;
- (b) all Thana circles of the Kathiawar Political Agency and the petty Jurisdictional States subordinate thereto;
- (c) all railways now existing or which may hereafter be constructed in the Province of Kathiawar within the limits (including the lands occupied for Stations, Outbuildings, or other railway purposes) over which full criminal jurisdiction has been or shall be assigned to the British Government;

*Commencement.*—And shall come into force from such date as may be notified by the Political Agent in the Kathiawar Political Agency Gazette, from which date all other existing orders, notifications, rules or regulations on the same subject in force shall be repealed; provided that all continuing authorities, permissions, licenses and exemptions in existence on the said date, which are in accordance with these rules, shall be held to have been granted and issued under these rules.

2. *Definitions.*—In these rules “cannon” includes also all howitzers, mortars, wall pieces, mitrailleuses and other ordnance and machine guns, all parts of the same and all carriages, platforms, and appliances for mounting, transporting and serving the same.

“Arms” includes fire-arms, bayonets, swords and daggers, also cannon and parts of arms and machinery for the manufacture or repairs of arms or portions of arms.

“Ammunition” or “military stores” include also all articles specially designed for torpedo service and submarine mining, rockets, gun cotton, dynamite, lithofracteur, and other explosive or fulminating material, gunflints, gunwads, percussion caps, fuses and friction tubes, all parts of ammunition, and all machinery for manufacturing ammunition and includes sulphur in quantity more than 10 lbs. weight, leaden bird shot and bullets when possessed in quantities exceeding one hundredweight at any one time, but not lead or saltpetre.

“Import” means transmission from any place beyond, to any place within the limits to which these rules apply.

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<sup>1</sup> Substituted by Notification No. 27, dated the 2nd April, 1929. IV. I. S. Agency Gazette, 1929, p. 86.

<sup>2</sup> Abolished.

“Export” means transmission from any place within, to any place beyond the limits to which these rules apply.

“Transport” means the transmission through the limits to which these rules apply from and to places to which they do not apply.

“License” means a license granted under these rules or by competent authority under the Indian Arms Act.

“Pass” means a written permission granted to transport under these rules, ammunition or military stores not covered by a license.

“Parwana” means a permit to possess or carry arms.

## II.—*Manufacture, conversion and sale.*

3. *Unlicensed manufacture, conversion, repair and sale prohibited.*—No person shall manufacture, convert, repair or sell or keep, offer or expose for sale any arms, ammunition or military stores except under a license granted under these rules in the manner and to the extent permitted thereby. But nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses *bonâ fide* for his own private use to any person who is not prohibited from possessing the same, provided always that no such sale shall be effected until the permission of the <sup>1</sup>[Political Agent] has been obtained.

4. *License to manufacture or convert.*—Licenses to manufacture or convert arms or manufacture ammunition may be granted <sup>1</sup>[by the Political Agent] in charge of the Prant. But such manufacture or conversion shall be restricted to the limits of the Agency Stations and shall on no account be permitted in the Thana Circles.

5. Licenses to repair or sell or keep, offer or expose for sale arms or ammunition may be granted by the <sup>1</sup>[Political Agent] in charge of the Prant. But such sale or repair shall be restricted to the limits of the Agency Stations and shall on no account be permitted in any Thana Circle.

These licenses shall be in the forms annexed to these rules No. 1 and 2.

6. *License to manufacture, sell or keep sulphur.*—No person shall manufacture or keep in his possession or sell more than 10 lbs. of sulphur at a time except under a license granted by the <sup>1</sup>[Political Agent].

7. *Register of stock.*—Every holder of a license under rules 4, 5 and 6, shall keep a correct and true register in the form annexed, Appendix B, and shall show in it correctly all stocks, manufacture and receipts and all sales of arms and ammunition or sulphur in his possession.

<sup>1</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

He shall exhibit this register when called upon to do so to any Magistrate or to any Police Officer not below the rank of a Chief Constable.

8. *Inspection of premises.*—Any Magistrate or Police Officer not below the rank of a Chief Constable may at all reasonable times enter and inspect the premises of any person licensed to manufacture, convert, repair, sell or keep arms, ammunition or sulphur under these rules, and every such person shall be bound to exhibit the entire stock of arms, ammunition or sulphur in his possession or under his control and all accounts and records relating thereto.

9. *Board to be affixed to shops of licensed vendors.*—Every person licensed to manufacture, convert, repair or sell arms, ammunition or sulphur under these rules shall affix a board on a conspicuous part of his shop or usual place of business and shall cause to be painted thereon in large letters in English and Gujarati his name and the words “Licensed to manufacture” or “Licensed to deal in arms, ammunition and sulphur”.

10. *Revocation of license.*—The <sup>1</sup>[Political Agent] in charge of a Prant may at any time, for reasons to be recorded in writing cancel or suspend the license of any manufacturer or vendor under these rules.

11. *Sale by licensed vendor.*—No manufacturer or licensed vendor shall sell arms or ammunition except sulphur in reasonable quantities not exceeding ten lbs. in weight for medicinal purposes without the written permission of the <sup>1</sup>[Political Agent] in charge of the Prant to any person not in possession of a Parwana of one of the kinds hereinafter set forth in rule 23, and then only to such limited amount as may be sanctioned by the <sup>1</sup>[Political Agent].

### III.—*Import, Export and Transport.*

12. *Unlicensed importation from beyond Kathiawar is prohibited.*—All importation of arms, ammunition or military stores from places beyond Kathiawar is forbidden except under a license granted by the Political Agent or by competent authority in British India under the provision of the Indian Arms Act.

13. *Unlicensed importation from other places within Kathiawar prohibited.*—All importation of arms, ammunition or military stores from places within Kathiawar but beyond the limits to which these rules apply is forbidden except under a license granted by the <sup>1</sup>[Political Agent] in charge of the Prant.

14. *Import by rail.*—Arms, ammunition or military stores imported by rail shall not be delivered to any importer or consignee unless—

(a) the importer or consignee produces the original license issued by competent authority authorising the import, and

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<sup>1</sup> Substituted by Notification No. 471-I., dated the 3rd October 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

(b) the senior police officer at the Station to which the consignment is consigned has compared the consignment with the license and authorised the Station Master to make delivery. For the purpose of making the comparison required by clause (b) the police officer shall have power to open any package which he thinks suspicious.

15. *Duty of Station Master.*—Every Station Master shall give information to the officer mentioned in clause (b) of the preceding rule of the arrival at his station of any consignment of imported arms, ammunition or military stores..

16. *Unlicensed exportation to places beyond Kathiawar prohibited.*—All exportation of arms, ammunition or military stores to places beyond Kathiawar is forbidden except under a license granted by the Political Agent.

17. *Unlicensed exportation to other places within Kathiawar prohibited.*—All exportation of arms, ammunition or military stores to places within Kathiawar but beyond the limits to which these rules apply is forbidden except under a license granted by the <sup>1</sup>[Political Agent] in charge of the Prant.

18. *Transportation without a license or pass prohibited.*—All transport of arms, ammunition or military stores through the limits to which these rules apply from and to places to which they do not apply, not otherwise covered by a license, is forbidden except under a pass granted by the <sup>1</sup>[Political Agent] in charge of the Prant.

19. *Export and transport by rail.*—All Station Masters to whom arms, ammunition or military stores are tendered for despatch unaccompanied by evidence of licenses being granted as per rules 16, 17 and 18 shall detain them and report the matter through the Railway Police for the orders of the <sup>1</sup>[Political Agent] in charge of the Prant.

20. *Obligation of railway employees to give information.*—Every person employed upon a railway shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be bound to give information to the nearest police officer regarding any box, packet or bale in transit which he has reason to believe contains stores in respect of which an offence against these rules has been or is being committed.

21. *Obligation of Revenue and Village Officers to give information.*—Similarly it shall be the duty of all revenue and village officers to report to the nearest police officer any information he may obtain, or any reasonable suspicion he may entertain concerning the import, export or

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<sup>1</sup> Substituted by Notification No. 471-I., dated the 3rd October 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

transport of any arms, ammunition or military stores in contravention of the provision of these rules.

IV.—*Going armed or possessing arms, etc.*

22. *Going armed or possessing arms without a parwana prohibited except to persons exempted.*—No person except those specified in Schedule A hereto annexed and to the extent therein defined shall possess or carry arms or ammunition except under a parwana as hereinafter provided.

Provided that the <sup>1</sup>[Political Agent] is authorised to withdraw the privilege of exemption at his discretion, either permanently or for such time as he may deem fit, from any member of any of the classes mentioned in Schedule A, who is convicted of any of the heinous offences enumerated below:—

- |                    |                            |
|--------------------|----------------------------|
| (1) Murder,        | (6) Retaining or receiving |
| (2) Grievous hurt, | stolen property,           |
| (3) Robbery,       | (7) Mischief by fire,      |
| (4) Dacoity,       | (8) House breaking,        |
| (5) Outlawry,      |                            |

and that in other cases of serious misconduct the privilege may similarly be withdrawn under the special orders of the Agent to the Governor General.

23. *Kinds of Parwana.*—Parwanas are of four kinds.

- (a) Green, which entitles the holder to possess arms and to carry and use them within the limits of the Taluka of which he is a resident.
- (b) Red, or temporary passes, which entitles the holder to carry arms in any parts of Kathiawar to which these rules apply, or any specified part thereof for a limited period only not exceeding one year.
- (c) Yellow, or permanent passes, which may be issued to Police Patels, Pasaitas, petty Talukdars, Mulgirassias, Kamdars, and other personal followers of Talukdars as well as to other persons of position and approved loyalty and which entitle the holder to carry arms in any part of Kathiawar.
- (d) Brass badges, to be worn round the waist when on duty with arms, to be issued at the discretion of the <sup>1</sup>[Political Agent] in charge of the Prant to pasaitas and inferior

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<sup>1</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924. (*Gazette of India, Extraordinary* 1924, p. 351.)

village police who are required to bear arms for the performance of their duties.

NOTE.—There should be yellow passes in addition to badges.

24. *Application for and issue of parwanas.*—(a) Parwanas described in rule 23 may be applied for from the <sup>1</sup>[Political Agent] direct or through the Thandar, Talukdar or Chief Constable.

(b) The <sup>1</sup>[Political Agent] shall have full power to grant or withhold a parwana at his discretion and shall communicate his order to the Superintendent of Agency Police and the Thandar or Talukdar in whose limits the applicant resides.

(c) Application for badges as defined in rule 23 (d) shall be made by the Talukdar or Thandar in whose jurisdictional limits the police in question perform their duties, to the <sup>1</sup>[Political Agent], who may either grant or, for reasons to be recorded by him, withhold them altogether or grant only a portion of those asked for.

25. Any person possessing arms, ammunition or military stores, the possession whereof by him has in consequence of the cancellation or expiry or loss of a parwana of any of the kinds specified in rule 23, become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest police station and report the fact to the Thandar or other Magistrate or Talukdar, as the case may be within whose jurisdiction he resides.

If the owner of anything deposited under these rules does not within one year from the date on which such thing is so deposited produce a license authorising him to possess the same and apply for the delivery of the same, such thing shall be forfeited.

26. *Duty of holder of Parwana if arms pass out of his possession.*—If any arms, or ammunition for which a person holds a parwana granted under these rules shall in any manner pass out of his possession, he shall at once give notice of the fact to the Thandar or other Magistrate or the Talukdar, and get his parwana cancelled or altered as may be necessary.

27. *Duty of officers to enforce rules.*—(a) A copy of the register of the parwanas granted in each village and of arms in possession of persons residing in the said villages and exempted from the operation of these rules under rule 22 shall be kept by the Police Patel, and it shall be his duty and the duty of all police officers (not lower in rank than Head Constable) to report any cases which come to their notice in which the arms mentioned in the said register are not in the possession of the parwana holders or that persons are in possession of arms or ammunition

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<sup>1</sup> Substituted by Notification No. 471-I., dated the 3rd October 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

without a parwana, or generally cases in which the provisions of these rules have been infringed.

(b) A copy of the register of parwanas granted to residents of Agency Stations or railway limits shall be kept by the Inspector of Police in each Prant and the Inspectors of the Railway Police concerned, and it shall be their duty to report any cases which come to their notice in which the arms mentioned in the said register are not in possession of the parwana-holders, or that persons not specially exempted are in possession of arms or ammunition without a parwana, or generally cases in which the provisions of these rules have been infringed.

#### V.—*Penalties.*

28. *For breach of rules 3 to 5; 7 to 9; 11 to 13; 16 to 18; 22 and 23.*—Whoever commits any of the following offences, namely:—

- (a) Manufactures, converts, repairs, sells or keeps, offers or exposes for sale any arms, ammunition or military stores in contravention of the provisions of rule 3, or breaks any of the conditions of a license granted under rules 4 or 5, or
- (b) intentionally makes any false entry in the register which by rule 7 he is required to keep, or
- (c) intentionally fails, or refuses to exhibit anything which by rules 7 or 8 he is required to exhibit or to keep a board affixed to his premises as required by rule 9, or
- (d) sells arms or ammunition in contravention of rule 11, or
- (e) imports, exports, or transports any arms, ammunition or military stores in contravention of the provisions of rules 12, 13, 16, 17 or 18, or
- (f) possesses or carries or has under his control arms or ammunition in contravention of rules 22 and 23, or
- (g) allows any arms or ammunition for which he holds a parwana to pass out of his possession in a manner which creates a reasonable suspicion as to his *bonâ fide* shall be liable, on conviction before a Magistrate of not lower than the Second Class, to imprisonment for a term which may extend to three years, or a fine which may extend to one thousand rupees, or to both.

28A. When any person is convicted of an offence punishable under these rules committed by him in respect of any arms, ammunition or military stores, it shall be in the discretion of the convicting Court or Magistrate further to direct that the whole or any portion of such arms, ammunition or military stores, and any vessel, cart or baggage animal



used to convey the same and any box, package or bale in which the same may have been concealed, together with other contents of such box, package or bale shall be confiscated.

29. Whoever fails to deposit arms, ammunition or military stores with the officer in charge of the nearest police station, and to report the fact to the Thandar or other Magistrate or Talukdar as required by rule 25, or to report the loss of any arms or ammunition as required by rule 26, shall be liable on conviction before any Magistrate or jurisdictional Talukdar to a fine which may extend to Rs. 10 and the renewal of his parwana may be withheld for a term which may extend to one year.

30. *For the breach of rules not otherwise provided for.*—Any person violating any of these rules, for the violation of which no penalty is provided by these rules, shall be liable, on conviction before any Magistrate, to imprisonment for a term which may extend to one month, or to fine which may extend to two hundred rupees, or to both.

#### VI.—*Miscellaneous.*

31. *Search of suspected premises.*—Whenever any Magistrate has reason to believe that any licensed person has in his possession for sale arms or ammunition, or is keeping upon his premises without permission more than 40 lbs. of sulphur, he may, after recording in writing the grounds of his belief, cause a search to be made of the house or premises in which he believes such arms, ammunition or sulphur are, and if found may seize and confiscate them.

32. If any person is importing arms, ammunition or military stores without a license or is transporting them without a pass or is in possession of arms or ammunition without a parwana in violation of these rules such arms, ammunition or military stores may be seized by any Magistrate, Police Officer or a Police Patel or by any person acting under their orders and deposited forthwith with the officer in charge of the nearest police station.

Subject to any order of confiscation that may be passed under rule 28A, the provisions of rule 25 shall apply to anything so deposited.

33. *Rewards to informers.*—(a) The Magistrate who has tried the case or any other Magistrate to whom he is subordinate may award up to one half the amount of any fine inflicted under these rules and up to one-half the sale price of any confiscated articles sold under these rules to any person who has given information leading to a conviction.

(b) Cases in which no fine is inflicted or in which it appears desirable to give a reward larger than is provided for above, shall be submitted

for the orders of the Political Agent <sup>1</sup>[by or through the Assistant Political Agent] in charge of the Prant.

34. *Sanction for prosecution necessary.*—No prosecution under these rules shall be instituted except under the orders or with the sanction of the <sup>1</sup>[Political Agent] in charge of the Prant.

35. *Powers to make subsidiary rules.*—The Political Agent may from time to time by Notification in the Agency Gazette make rules,<sup>2</sup> not inconsistent with these rules, to determine the forms in which and the terms and conditions on and subject to which any license, pass or parwana shall be granted under these rules and may by such rules among other things:—

- (a) fix the period for which licenses, passes or parwanas shall continue in force;
- (b) fix the fee payable by stamp or otherwise for the said licenses, passes or parwanas;
- (c) direct the holder of the license to keep a record or account in a prescribed form, and exhibit the same when called upon by an officer of Government to do so;
- (d) direct him to produce and account for the arms or ammunition when called upon to do so.

36. *Reservation clause.*—Nothing contained in these rules shall be deemed to affect any orders or notifications published under the authority of the Bombay Government or of the Agent to the Governor General, which are at present in force or which may hereafter be brought into force on this subject.

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#### SCHEDULE A.

*List of persons or classes exempted from the operation of the prohibition contained in Rule 22 of the Rules in Kathiawar Political Agency relating to arms and ammunition, other than those referring to cannon, articles designed for torpedo service, war rockets, and machinery for the manufacture of arms and ammunition.*

(1) All persons who if in British India would be exempt from the operation of the Indian Arms Act.

(2) All Magistrates and Officers of and above the rank of a Thandar.

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<sup>1</sup> Substituted by Notification No. 471-I., dated the 3rd October 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

<sup>2</sup> For subsidiary rules framed under this section see Agency Notification No. 60, dated the 29th April, 1915. *Kathiawar Agency Gazette*, 1915, p. 111.

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<sup>1</sup>[(3) All jurisdictional Talukdars.

(4) Those non-jurisdictional tribute paying Talukdars the gross income of whose estate is not less than Rs. 500 per annum, and who are otherwise considered for recipients of the privilege, and other persons of approved loyalty and good position. The names of Talukdars and others who are especially exempted will be published by Notification in the Kathiawar Agency Gazette over the signature of the Political Agent.

(a) Nothing in clause 4 shall affect the privilege of exemption enjoyed by the present non-jurisdictional tribute paying Talukdars irrespective of their income during their life time.]

(5) All travellers carrying arms or ammunition so far as their arms or ammunition may be covered by a permit in due form signed by a duly qualified British Officer.

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<sup>1</sup> Substituted by Agency Notification No. 33, dated the 27th May, 1916. *Kathiawar Agency Gazette*, 1916, p. 178.



**364** STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—C.—*Special Laws applying to the Eastern Kathiawar Agency and the Western Kathiawar Agency.*)

**No. I.**—*License to manufacture or convert arms and ammunition in*

Name, etc., of licensee <sup>1</sup> and place of residence.	Place of business, factory and shop.	Description of Arms.	Description of Ammunition.	Date on which license expires.

(Signature.)

**No. II.**—*License to repair, sell, keep, offer or expose for sale Arms or Ammunition.*

Name, etc., of licensee <sup>1</sup> and place of residence.	Place of business, factory and shop.	DESCRIPTION OF ARMS.		DESCRIPTION OF AMMUNITION.	Date on which license expires.
		To be repaired.	To be kept and sold.	To be kept and sold.	

(Signature.)

<sup>1</sup> See Agency Notification No. 14, dated the 3rd March, 1921. *Kathiawar Agency Gazette*, 1921, p. 56.

STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—C.—Special 365  
*Laws applying to the Eastern Kathiawar Agency and the  
 Western Kathiawar Agency.)*

No. III.—*License to import Arms, Ammunition or Military Stores into Kathiawar.*

Name and address of Licensee. <sup>1</sup>	ARMS.		AMMUNITION AND SULPHUR.		Purpose for which required.	Value of the cheap- est fire- arms per piece.	Place where articles are to be depo- sited or to whom they are to be despatched.	Period for which the License is valid.
	Description.	No.	Description.	Weight in seers or No.				

Dated the

(Signature.)

<sup>1</sup> See Agency Notification No. 14, dated 3rd March, 1921. *Kathiawar Agency Gazette*, 1921, p. 56.

366 STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—C.—*Special  
Laws applying to the Eastern Kathiawar Agency and the  
Western Kathiawar Agency.*)

No. 1V.—*License to export Arms, Ammunition or Military Stores from Kathiawar.*

Name, etc., of licensee <sup>1</sup> and Agent, if any.	No. of packages	ARMS.		AMMUNITION OR MILITARY STORES.		Place of Despatch and route.	Purpose for which con- signment is required.	Destina- tion.	Name and Residence of Con- signee.	Period for which license is valid.
		Description.	Number.	Description.	Weight or Number.					
										from the 18 to of of the of 18 .

Dated the

(Signature.)

<sup>1</sup> See Agency Notification No. 14, dated 3rd March, 1921. *Kathiawar Agency Gazette*, 1921, p. 58.

No. V.—*License to Transport Arms, Ammunition or Military Stores through Kathiawar.*

Name, etc., of licensee <sup>1</sup> and Agent, if any, authorised for the purpose of this consignment.	Place of Licensee's business.	Number of packages.	ARMS.		AMMUNITION.		Place of despatch, route and mode of transit.	Time for which pass is valid.	Destination.	Name and residence of consignee.
			Description.	Number.	Description.	Number of or weight in seers.				
							From the to the 18 .			

Dated the

19 .

(Signature.)

[*Kathiawar Agency Gazette*, 1899, p. 25.]

<sup>1</sup> See Agency Notification No. 14, dated 3rd March, 1921. *Kathiawar Agency Gazette*, 1921, p. 58.



*Kathiawar Opium Regulations, 1899.*

No. 67, dated the 22nd August, 1899.—Whereas, under the relations subsisting between the British Government and the States of Kathiawar, the cultivation of the poppy and the manufacture of opium in the said States and the export of opium therefrom are prohibited absolutely, and the import of opium into the said States is prohibited except where the opium is covered by a pass signed by the Political Agent: Now the following regulations are promulgated under the orders of the Government of Bombay for general information and due observance throughout Kathiawar in supersession of those published by the Political Agent in Kathiawar in his Notification No. 4, dated the 15th February, 1884.<sup>1</sup>

1. Opium includes also green poppy-heads, preparations or admixtures of opium, and intoxicating drugs prepared from the poppy.

2. The cultivation of the poppy or the manufacture of opium within the territory of the State is prohibited.

3. The import of opium from any place outside the State limits is prohibited, except under a pass signed by the Political Agent.<sup>2</sup>

4. The export of opium to any place outside the State limits is prohibited.

5. The transport from one place to another within the State limits of any quantity of opium exceeding in weight 10 tolas is prohibited, except under cover of a permit granted by a duly authorised State Officer. Always provided that the State can forward a supply of opium to any of its outlying districts through the territories of another State under proper precautions, to be approved by the Political Agent.<sup>2</sup>

6. Except as provided in clauses 7 and 8, (i) no person shall have in his possession any opium other than opium purchased from the Darbar or from a farmer or licensed vendor; (ii) no person, not being a farmer or licensed vendor, shall have in his possession more than 10 tolas of opium.

7. Clause 6 does not apply to:—

- (i) Opium in transit covered by a permit under clause 5,
- (ii) opium imported according to rule during transit to its destination,
- (iii) opium in the possession of any Ruling Chief travelling in Kathiawar which is intended for his private consumption or for the use of his followers or guests.

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<sup>1</sup> The passage not reprinted here relates to the enforcement of these Regulations by jurisdictional Chiefs, and the consequences of not doing so.

<sup>2</sup> Now the Agent to the Governor General.

8. There may be granted (a) to any medical practitioner a license for the possession of opium for medical purposes only (b) to any person a special permit authorising him for a specified period to have in his possession for private consumption only a specified quantity of opium in excess of 10 tolas.

9. No person shall sell opium without a license to this effect. Provided that any medical practitioner, to whom a license has been granted under clause 8, may sell opium in quantities not exceeding in any one transaction 10 tolas as medicine or in medical preparations.

10. No person shall sell opium exceeding 10 tolas to any person not legally authorised to possess the same.

11. No licensed vendor shall sell more than 10 tolas of the inspissated juice of the poppy, or of any preparation or admixture thereof, or of any intoxicating drug prepared from the poppy, or more than 5 seers of poppy heads, except to a licensed vendor or farmer or to a medical practitioner or other person holding a special permit granted by the Darbar under clause 8.

11A. No opium shall be supplied to any of the said licensed vendors except on payment of a price, which is not less than the price at which, at the time being, licensed vendors are being supplied in the adjoining British district.

11B. No licensed vendors in the State shall at any time be permitted to sell opium at a price which is lower than the lowest price at which licensed vendors are, at the time being, authorised to sell it in the adjoining British district.

12. Licenses for the sale of opium shall be granted by the Darbar only; such license shall contain the following conditions:—That a register shall be kept showing:—

- (1) Quantity of opium they received from time to time from the State;
- (2) Name and residence of purchaser;
- (3) Quantity sold;
- (4) Price charged per tola.

Sales not exceeding half a tola, to each person made during the course of a day to be entered in a total quantity, without mentioning the names, etc., of the purchaser.

<sup>1</sup>[12A. A licensed vendor in the Agency jurisdiction shall produce forthwith for inspection, on the demand of any Agency Police Officer

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<sup>1</sup> Inserted by Notification No. 2, dated the 10th January, 1908. *Kathiawar Agency Gazette*, 1908, p. 10.

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or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any opium or other thing liable to confiscation under these regulations,

or vexatiously and unnecessarily detains, searches, or arrests any person, shall for every such offence be punished with fine not exceeding Rs. 500.

22. Any authorised State officer may issue his warrant for the arrest of any person whom he has reason to believe to have committed a breach of these regulations relating to opium, or for the search of any premises in which he has reason to believe opium liable to confiscation is kept or concealed within State limits.

23. The subsequent procedure in regard to persons arrested and seizure made shall be in accordance with that generally in force for criminal purposes within the State.

[*Kathiawar Agency Gazette*, 1899, p. 264.]

*Porbandar Pilgrim Regulations, 1901.*

No. 59, dated the 21st December, 1901.—The following rules are hereby published for information and guidance of all concerned.

*Regulations for the conveyance of pilgrims from Porbandar to Hedjaz.*

1. In these regulations unless there is anything repugnant in the subject or context—

- (1) “pilgrim” means a Muhammadan passenger going to the Hedjaz; but it does not include a child under one year of age:
- (2) “pilgrim ship” means a ship conveying or about to convey pilgrims from Porbandar to any port in the Red Sea other than Suez:

Provided that no ship carrying passengers other than pilgrims of the lowest class and having on board pilgrims of the lowest class in a less proportion than one pilgrim for every one hundred tons of the gross tonnage of the ship shall be deemed to be a pilgrim ship within the meaning of these regulations.

*Explanation.*—A “pilgrim of the lowest class” is a pilgrim for whom no separate accommodation in any cabin, state-room or saloon is reserved:

(3) “Voyage” means the whole distance between a pilgrim ship’s port or place of departure and her final port or place of arrival;

(4) “Magistrate” means a person exercising powers not inferior to those of a Magistrate of the second class :

(5) “prescribed” means prescribed by rules which have been made and notified by the Governor General in Council under the Pilgrim Ships Act (XIV of 1895).

(6) “pilgrim broker” means a person who buys and re-sells or sells on commission, or takes any reward for the purchase or sale of, passage tickets for pilgrims :

(7) “Agent” includes a person who has chartered a ship for the conveyance of pilgrims :

2. Every passenger, whether a pilgrim or not on board a pilgrim ship shall be deemed to be a pilgrim for the purposes of these regulations.

3. The master, owner or agent of a pilgrim ship departing or proceeding from Porbandar, shall give notice to an officer appointed in this behalf by the <sup>1</sup>[Agent to the Governor General, Western India States Agency] that she is to carry pilgrims and of her destination and of the proposed time of sailing.

4. (1) No pilgrim ship shall commence a voyage from Porbandar unless the master holds three certificates to the effects mentioned in the three next following regulations.

(2) The officer whose duty it is to grant a port-clearance shall not grant it unless the master holds those certificates.

5. The first of the certificates (hereinafter called “Certificate A”) shall state that the ship is seaworthy and properly equipped, fitted and ventilated, and the number of pilgrims of each class which she is capable of carrying.

6. The second of the certificates (hereinafter called “Certificate B”) shall state:—

(a) voyage which the ship is to make, and the intermediate ports (if any) at which she is to touch ;

(b) that she has the proper complement of officers and seamen ;

(c) that food, fuel and pure water over and above what is necessary for the crew, and the other things (if any) prescribed for pilgrim ships have been placed on board, of the quality prescribed, properly packed, and sufficient to supply the pilgrims on board during the voyage which she is to make (including such detention in quarantine as may be probable) according to the scale for the time being prescribed ;

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<sup>1</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

- (d) that the master holds Certificate A;
- (e) that she is propelled principally by steam;
- (f) that she is of the tonnage and steam-power (if any) prescribed;
- (g) that, if she is to carry more than one hundred pilgrims, she has on board the medical officers, or medical officer, required by the Pilgrim Ships Act, 1895, and the prescribed attendants;
- (h) such other particulars (if any) as may be prescribed.

7. The third of the certificates (hereinafter called "Certificate C") shall be a certificate signed by the Collector of Customs at Bombay or his Assistant to the effect that a bond has been duly executed by the master and owner or agent of the ship, or by the master alone in favour of the Secretary of State for India in Council, ensuring that the master will carry out the provisions of the Pilgrim Ships Act, 1895, and the Rules and Regulations thereunder in the same manner as if the said Act, Rules and Regulations had by the Legislature been specifically made applicable to the ship in question.

8. Certificate A shall be granted by an authorised person at Bombay and Certificate B by the officer appointed under Regulation 3.

9. (1) The officer authorized to grant a certificate under Regulation 8 in respect of a pilgrim ship shall not grant it unless he is satisfied that she has on board no cargo likely from its quality, quantity or mode of stowage to prejudice the health or safety of the pilgrims embarked.

(2) But save as aforesaid it shall be in the discretion of the officer to grant or withhold a certificate subject to the control of the <sup>1</sup>[Agent to the Governor General].

10. The officer appointed in this behalf by the <sup>1</sup>[Agent to the Governor General], shall satisfy himself that all provisions of the Pilgrim Ships Act, 1895, applying to pilgrim ships are duly carried out, but if he is satisfied that a pilgrim has brought on board a pilgrim ship for his own use food of the prescribed quality and in the prescribed quantity, the requirements of the aforesaid Act respecting the supply of food for pilgrims shall not apply so far as regards the supply of food for that pilgrim.

11. <sup>1</sup>No pilgrim shall be received on board any pilgrim ship at Porbandar unless and until he has been medically inspected at such time and place, and in such manner as the Camp Superintendent may fix in this behalf, nor until that officer has given permission for the embarkation of pilgrims to commence.

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<sup>1</sup> Substituted by Notification No. 471-J., dated the 3rd October, 1924. *Gazette of India, Extraordinary, 1924, p. 351.*

(2) If, in the opinion of the officer making an inspection under this regulation, any pilgrim is suffering from cholera or choleraic indisposition or any dangerously infectious or contagious disease, or shows any signs of the same or any other suspicious symptoms, such pilgrim shall not be permitted to embark.

(3) All articles which have been contaminated by persons suffering from cholera or choleraic indisposition, or any dangerously infectious or contagious disease, or are suspected of having been so contaminated, shall, before being taken on board a pilgrim ship, be disinfected under the supervision of the Medical Officer of the Camp.

12. (1) If in any case a pilgrim ship does not proceed on her voyage within forty-eight hours after all the pilgrims have been received on board, and there is reason to suspect that any person on board is suffering from cholera or choleraic indisposition or any dangerously infectious or contagious disease, a medical inspection of all persons on board may be held in such manner as the Medical Superintendent of the Camp may direct.

(2) If on such inspection any person is found to be suffering from cholera or choleraic indisposition or any dangerously infectious or contagious disease, or shows any signs of the same or any other suspicious symptoms, he shall, together with all articles belonging to him, be at once removed from the ship.

13. So far as may be practicable, and subject to any further regulations which may be made, the medical inspection of female pilgrims shall be carried out by women.

14. (1) Every pilgrim shall be entitled on payment of his passage-money and fulfilment of the other prescribed conditions (if any) to receive a ticket in the prescribed form, and shall be bound to produce the same to such officers and on such occasions as may be prescribed, and otherwise to deal with the same in the prescribed manner.

(2) Every pilgrim prevented from embarking under Regulation 11 or removed from the ship under Regulation 12 or otherwise prevented from proceeding shall be entitled to the refund of any passage-money he may have paid, subject to any conditions or deductions which may be prescribed.

15. Any person who, without a license from the <sup>1</sup>[Agent to the Governor General], acts as a pilgrim broker at Porbandar shall be liable, for each such offence to a fine which may extend to five hundred rupees, provided that in the case of a person who is already licensed as a pilgrim-broker under Bombay Act, II of 1887, it will be sufficient

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<sup>1</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 251.

for the purpose of this regulation if such person has his license countersigned by the <sup>1</sup>[Agent to the Governor General].

16. Any licensed pilgrim-broker who shall—

- (a) commit a breach of any of the terms or conditions of his license;
- (b) purchase for or sell to any pilgrim a passage-ticket by any pilgrim ship to which these regulations apply, at any time before notice has been given by the master, owner or agent of such ship under Regulation 3 of these Regulations of the date on which it is proposed that such ship shall sail, and unless, in the case of any ship, the proposed date of sailing is printed on the passage-ticket;
- (c) charge a pilgrim more than the cost price of any passage-ticket, provisions, or other articles purchased for him, or receive from him any fee or commission on account of such ticket;
- (d) receive from the master, owner, or agent of a pilgrim ship any fee or commission in respect of the sale of any ticket, exceeding five per centum of the price of such ticket;
- (e) purchase for any pilgrim a passage-ticket, on which there is not printed the price charged by the master, owner, or agent of the pilgrim ship for each class of accommodation;
- (f) by fraud or by false representation as to the size of, or accommodation on board, such ship, or otherwise, or by any false pretence whatever, induce any person to purchase a passage-ticket;

shall be liable for each such offence to a fine which may extend to five hundred rupees.

17. (1) Offences against these Regulations shall be punishable by a Magistrate.

(2) If the person on whom a fine is imposed under these regulations is the master or owner of the pilgrim ship, and the fine is not paid at the time and in the manner prescribed by the order of payment the Magistrate may, in addition to the ordinary means prescribed by law for enforcing payment by warrant, direct the amount remaining unpaid to be levied by distress and sale of such pilgrim ship, her tackle, furniture and apparel.

18. The penalties to which masters, owners of pilgrim ships and pilgrim-brokers are made liable by these regulations shall be enforced

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<sup>1</sup> Substituted by Notification No. 471-J., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

only on information laid at the instance of officers granting certificates under these regulations or at the instance of the Camp Superintendent.

[*Kathiawar Agency Gazette*, 1901, p. 419.]

*Interstatal and Interfeudatory Loan Rules, 1903.*

*No. 5272, dated the 4th August, 1903.*—In exercise of the power delegated by the notification<sup>1</sup> of the Government of India in the Foreign Department No. 2859-I. A., dated the 19th June, 1903, and of all other powers enabling him in his behalf the Governor in Council is pleased, in supersession of the Notification No. 25, dated the 19th May, 1894, published in the Kathiawar Agency Gazette of the 24th May, 1894 to make the following rules regulating the grant of interstatal and other loans in the State of the Kathiawar Agency, namely:—

1. Loans by one Ruling Chief to another will not in any way be recognised by the Agency, unless the previous sanction of the Government of India has been obtained. In this connection it is immaterial whether the money to be advanced comes from a Chief's private purse or from his State revenues.
2. Loans between Ruling Chiefs and their feudatories or between feudatories themselves may or may not, according to the circumstances of the case, be recognised by the Agency, and it is therefore expedient to report any such loan to the Agency for approval. No loan to a near relative, feudatory or jaghirdar of one Ruling Chief by the Ruling Chief of another State will be recognised by the Agency, unless it has received the previous sanction of Government, inasmuch as it is contrary to rule for one State to interfere in the internal affairs of another.

[*Bombay Government Gazette*, 1903, Pt. I, p. 957.]

*Immoveable Property Dispute Rules, 1903.*

*No. 5559, dated the 18th August, 1903.*—In exercise of the powers and jurisdiction delegated by the Governor General in Council by the notification<sup>1</sup> of the Government of India in the Foreign Department, No. 2859-I. A., dated the 19th June, 1903, the Governor in Council is pleased in supersession of \* \* \* \* \*  
all existing rules on the same subject, to make the following rules regulating the powers and jurisdiction of officers of the Kathiawar

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<sup>1</sup> Now superseded, as regards the Western India States Agency, by Notification No. 472-I., dated the 3rd October, 1924. Printed *supra*, p. 158.



Agency to issue, in the exercise of their political executive functions, injunctions and possessory orders in disputes relating to immoveable property, namely:—

1. When any complaint of one or more of the parties to a dispute relating to the possession or enjoyment of immoveable property situate within his jurisdiction has been brought, by petition either direct or through a subordinate official, before an officer of the Kathiawar Agency of a rank not below that of a Political Agent, such officer may, after hearing either orally or by writing both parties, issue an injunction or order as the nature of the case may seem to him to require, determining actual possession or the *prima facie* relations of the disputants pending proceedings by regular suit.
2. Subject to the general appellate and revisional authority of the <sup>1</sup>[Agent to the Governor General], every such injunction or possessory order passed by a Political Agent shall continue in force and binding on all persons affected unless and until ousted by a decree or order obtained by regular suit in a Court of competent jurisdiction.
3. Any suit instituted by any person bound by any such injunction or possessory order or by any one claiming under such person, shall be dismissed, although limitation has not been set up as a defence, unless it has been instituted within the period of two years from the date of such injunction or possessory order:

Provided that, where the plaintiff in any such suit is a person of political status, such extension of the said period may be granted by the Political Agent in whose Court such suit is instituted, as he may deem just and reasonable.

[*Bombay Government Gazette*, 1903, Pt. I, p. 1007.]

#### *Kathiawar Agency Abkari Rules, 1905.*

*No. 4797, dated the 2nd August, 1905.*—In exercise of the power delegated by notification of the Government of India, <sup>2</sup>No. 2859-I. A., dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to prescribe the following rules for the protection of the Abkari revenue in the Kathiawar

<sup>1</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

<sup>2</sup> See footnote 1 on p. 377, *supra*.

Agency in modification of the Kathiawar Agency Akbari Rules published at pages 47-53 of the *Kathiawar Agency Gazette*, dated the 27th February, 1896.

*The Kathiawar Agency Akbari Rules.*

1. These rules shall be called the “Kathiawar Agency Akbari Rules” and shall extend to the limits of the Agency Stations, Thala Circles and Railway lines under the Kathiawar Political Agency.

2. These rules shall come into force from such date as the Agent to the Governor, Kathiawar, may notify in the Agency Gazette.

3. *Definitions.*—In these rules unless there be something repugnant in the subject or context:—

<sup>1</sup>(1a) “Agent to the Governor General” means the Agent to the Governor General in the States of Western India.

(a) *Country Liquor.*—“Country Liquor” includes all liquors produced or manufactured locally.

*Liquor.*—Includes spirits of wine, spirits, wine, toddy, beer and all liquid consisting of or containing alcohol.

(b) “Intoxicating drug” includes ganja, bhang and every preparation and admixture of the same, but does not include opium or anything included within the meaning of that word as defined in the opium rules published at pages 202-206 of Naylor’s Manual Appendix.

(c) *Import and Export.*—“Import and export” include respectively the conveying into or out of any part of the above said districts from or to any other part of India.

(d) *Manufacture.*—“Manufacture” includes every process whether natural or artificial by which any spiritous fermented or intoxicating liquor or intoxicating drug is prepared and also every process for the rectification of liquor.

(e) *Transport.*—“Transport” means the moving of liquor and intoxicating drugs from any one place to any other place within the area to which the rules are extended.

3A. *Import and Export of country liquor and intoxicating drugs.*—No country liquor or intoxicating drug shall be imported or exported into or out of the area to which these rules are extended except under

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<sup>1</sup> Inserted by Notification No. 471-I., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

a permit granted by the Agent to the Governor [General]<sup>1</sup> or by the Political Agent in charge of a Prant<sup>2</sup> or by any other Agency official authorised in this behalf by the Agent to the Governor [General]<sup>1</sup>.

4. *Transport of liquor and intoxicating drugs.*—No country liquor or intoxicating drug exceeding such quantity as the Agent to the Governor [General]<sup>1</sup>, may from time to time prescribe by Notification shall be transported or removed from any one place to any other place of the above said Districts without a permit from such authority as the Political Agent in charge of a Prant<sup>2</sup> may notify.

5. *Manufacture of intoxicating drug prohibited except under these rules—Opening of a new distillery or shop prohibited without the sanction of the Agent to the Governor [General]<sup>1</sup>.*—No liquor or intoxicating drug shall be manufactured, no distillery or brewery shall be constructed or worked and no person shall use, keep or have in his possession any material, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing liquor or any intoxicating drug except under the authority and subject to the terms and conditions of a license to be granted by the Political Agent in charge of a Prant<sup>2</sup> or an officer duly empowered by him in this behalf and no new distillery or shop for selling intoxicating drugs shall be opened without the sanction of the Agent to the Governor [General]<sup>1</sup>.

6. *Sale of liquor or intoxicating drugs prohibited without a license or pass.*—Except as is hereinafter otherwise provided, no liquor and intoxicating drug shall be sold without a license or pass from the Political Agent in charge of a Prant<sup>2</sup> or an officer duly empowered by him to give such license.

7. *Limit of retail sale.*—No country liquor or intoxicating drug exceeding such quantity as the Agent to the Governor General may from time to time prescribe by Notification shall be sold by retail to one and the same person in the aggregate on any one day or be possessed by any person without a license or permit obtained from an officer empowered by the Political Agent in charge of a Prant<sup>2</sup> to grant such licenses or permits.

8. *Occasional sale of liquor.*—The Agent to the Governor [General]<sup>1</sup> may prescribe from time to time occasions on which special orders may be granted for the retail sale of larger quantities than those prescribed above and the conditions on which such sales may be made.

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<sup>1</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

<sup>2</sup> Includes "Officer in charge, Rajkot Civil Station".

9. *Duty on liquor.*—The duty leviable on account of a license for the privileges of manufacture and retail sale of liquor and intoxicating drug will be fixed by the Political Agent in charge of a Prant<sup>1</sup> who before granting any such license may order the said privileges to be put up to auction or he may dispose of licenses in other ways if deemed expedient and the auction shall be held subject to confirmation of the Political Agent in charge of a Prant<sup>1</sup>. The amount of the bid which he accepts should be divided in instalments and conditions of sale and other details shall be fixed by the Political Agent in charge of a Prant.<sup>1</sup>

10. *Form and conditions of License, etc.*—Every license, permit or pass granted under these rules shall be granted in such forms and contain such particulars as the Agent to the Governor [General]<sup>2</sup>, may from time to time direct.

11. *Power to recall license, etc.*—The Agent to the Governor [General]<sup>2</sup>, or the Political Agent in charge of a Prant<sup>1</sup> may summarily recall or cancel any license, permit or pass granted under these rules:—

- (a) if any fee or duty payable by the holder thereof be not duly paid; or
- (b) in the event of any breach by the holder of such license, permit or pass or by his servants or by any one acting with his express or implied permission on his behalf of any of the terms or conditions of such license, permit or pass; or
- (c) if the holder thereof is convicted of any offence against these rules or any other law for the time being in force relating to abkari revenue or of any criminal offence.

12. *Recovery of duties.*—All duties, taxes, fines and fees leviable under any of the foregoing provisions of these rules or of any license, permit or pass issued under these rules may be recovered from the person primarily liable to pay the same, or from his surety (if any) as if they were arrears of Government or State revenue.

13. *Power to enter and inspect places of manufacture and sale and to enter, seize and arrest on information that liquor, etc., is unlawfully kept in any enclosed place.*—The Agent to the Governor [General]<sup>2</sup> or any other officer duly empowered by him in this behalf or any Magistrate or Inspector or Chief Constable may—

- (a) enter and inspect at any time by day or by night any shop or premises in which any licensed manufacturer or vendor

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<sup>1</sup> Includes "Officer in charge, Rajkot Civil Station".

<sup>2</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

carries on the manufacture or sale of any liquor or intoxicating drug or stores any such liquor or drug and examine, test-measure, or weigh any such person's stock of liquor, drug or materials; or

- (b) enter at any time by day or by night any building, vessel or enclosed place in which he has reason to believe that liquor or any intoxicating drug liable to confiscation under these rules is manufactured, kept or concealed, or that any still, utensil, implement or apparatus is used, kept or concealed for the purpose of manufacturing liquor or any intoxicating drug contrary to these rules; and
- (c) in case of resistance, break open any door and remove any other obstacle to his entry into any such shop, premises, building, vessel or other place; and
- (d) seize any liquor or drug and any material used in the manufacture thereof and still, utensil, implement or apparatus and any other thing which he has reason to believe to be liable to confiscation under these rules or under any other rules for the time being in force relating to abkari revenue; and
- (e) detain and search, and if he think proper arrest any person whom he has reason to believe to be guilty of any offence under these rules or any other law for the time being in force relating to abkari revenue.

14. *Power to seize liquor, etc., in open places and to detain, search and arrest.*—Any Magistrate or any Police Officer—

- (a) may seize in any open place or in transit any liquor or intoxicating drug or any other thing which he has reason to believe to be liable to confiscation under these rules or any other rules for the time being in force relating to abkari revenue,
- (b) detain and search any person whom he has reason to believe to be guilty of any offence against this or any other such law, and if such person has any such liquor, drug or other thing in his possession, arrest him; provided that any Police Constable acting under this rule shall at once take the person arrested or property seized to the nearest Magistrate or Chief Constable.

15. *Searches how made.*—All searches under Rules 13 and 14 shall be made in accordance with the provisions of the Code of Criminal Procedure.

16. *Issue of warrants.*—The Agent to the Governor [General]<sup>1</sup>, or any officer duly empowered by him in this behalf or a Magistrate may issue a warrant—

- (a) for the arrest of any person whom he has reason to believe to have committed an offence against these rules or any other for the time being in force; or
- (b) for the search whether by day or night of any building, vessel or place in which he has reason to believe that any liquor, or intoxicating drug, is manufactured or sold, or that any liquor, intoxicating drug or any other thing liable to confiscation under these rules or any others for the time being in force is kept or concealed.

All warrants issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure by a Police Officer, or if the officer issuing warrants deems fit, by any other person.

17. *Closing the shop for the sake of public peace.*—It shall be lawful for the Agent to the Governor [General]<sup>1</sup> or Political Agent in charge of a Prant<sup>2</sup> by notice in writing to the licensee to require that any shop in which liquor or intoxicating drug is sold by retail shall be closed at such times as he may deem it necessary for the sake of public peace and order that such shops should remain closed.

In the event of the occurrence of a riot or unlawful assembly in the vicinity of any such shop it shall be lawful for any Magistrate or Police Officer not under the rank of Chief Constable who is present, to require such shop to be kept closed for such period as he deems fit.

18. *Penalty for illegal import, etc.*—Whoever in contravention of these rules or of any rule or order made under these rules or of any license, permit or pass obtained under these rules—

- (a) imports or exports liquor or any intoxicating drug into or out of any part of the above said districts, or
- (b) transports or removes liquor or any intoxicating drug from one place to another, or
- (c) manufactures liquor or any intoxicating drug, or
- (d) constructs or works any distillery or brewery, or,
- (e) uses, keeps or has in his possession any material, still, utensil, implement or apparatus whatever for the purpose of manufacturing liquor or any intoxicating drug, or

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<sup>1</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

<sup>2</sup> Includes "Officer in charge, Rajkot Civil Station".

(f) sells liquor or any other intoxicating drug shall be punished for each such offence—

(a) with fine which may extend to one thousand rupees, or

(b) with imprisonment for a term which may extend to six months or with both.

19. *For misconduct by licensee, etc.*—Whoever, being the holder of a license, permit or pass granted under these rules—

(a) fails to produce such license, permit or pass on the demand of any officer duly empowered to make such demand or of any officer specially empowered by the Agent to the Governor [General]<sup>1</sup>, on this behalf, or

(b) wilfully does, or omits to do, anything in contravention of any rules or orders made under these rules, or

(c) commits any act in breach of any of the conditions of his license not otherwise provided for in these rules, or

(d) wilfully contravenes any rules prescribed by the Agent to the Governor [General]<sup>1</sup>, for the management of a public distillery established under rule 5, or

(e) commits any act in breach of the conditions on which he is permitted to manufacture liquor in any such public distillery, or

(f) permits drunkenness, riot, or gaming in any shop or place in which such liquor or drug is sold or manufactured, or

(g) permits persons of notoriously bad character to meet or remain in any such shop or place, shall be punished for each such offence with fine which may extend to one hundred rupees.

20. *For misconduct by licensed vendor or manufacturer.*—Whoever, being the holder of a license for the sale or manufacture of liquor or of any intoxicating drug under these rules, mixes or permits to be mixed with the liquor sold or manufactured by him, any noxious drug or any foreign ingredients likely to add to its actual or apparent intoxicating quality or strength or otherwise objectionable in the manufacture of liquor or of any intoxicating drug, when such admixture shall not amount to the offence of adulteration under section 272 of the Indian Penal Code shall be punished for such offences to fine which may extend to Rs. 500, or with imprisonment for a term which may extend to three months, or with both.

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<sup>1</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

21. *For illegal possession of liquor, etc.*—Whoever except under the authority of some license, permit, pass or special order obtained under these rules, has in his possession within any local area or place to which the provision of section 7 has been applied, any larger quantity of country liquor or of any intoxicating drug than may legally be sold by retail under the provision of the said section, shall be punished with fine which may extend to two hundred rupees.

22. *Presumption as to commission of offence in certain cases.*—In prosecutions under section 18 or 20 it shall be presumed, until the contrary is proved, that the accused person has committed an offence under those sections in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the manufacture of liquor or intoxicating drug, or any such materials as are ordinarily used in the manufacture of liquor or of any intoxicating drugs, for the possession of which he is unable to account satisfactorily.

And the holder of a license, permit or pass under these rules shall be responsible as well as the actual offender for any offence committed by any person in his employ or acting on his behalf under section 18 or 19 as if he had himself committed the same unless he shall establish that all due and reasonable precautions were exercised by him to prevent the commission of such offence.

22A. *What things liable to confiscation.*—All liquor or intoxicating drugs imported, exported, transported, removed, manufactured, sold or had in possession in contravention of these rules or of any rule or order made thereunder or of any license, permit or pass obtained thereunder, and

all liquor, if any, and all intoxicating drugs, if any, lawfully imported, exported, transported, removed, manufactured, sold or had in possession along with or in addition to any such liquor or intoxicating drug, and

all stills, utensils, implements or apparatus whatsoever for the manufacture of liquor or of any intoxicating drug used, kept or had in possession in contravention of these rules or of any rule or order made under these rules or of any license obtained under these rules, and

all materials collected or had in possession for the purpose of unlawfully manufacturing liquor or any intoxicating drug, and

the vessels, packages and coverings in which any such liquor, intoxicating drugs, still, utensil, implement, apparatus or material is found and the other contents, if any, of the vessel or package in which the same is found and the animals, carts, vessels or other conveyances used in carrying the same shall be liable to confiscation.



23. *Order of confiscation by whom to be made.*—All confiscation under these rules shall be adjudged by the Political Agent in charge of a Prant<sup>1</sup> subject to appeal to the Agent to the Governor [General]<sup>2</sup>, provided that no order of confiscation shall be made until the expiration of one month from the date of seizing the things intended to be confiscated or without hearing any person who claims a right thereto, and the evidence, if any, which he produces in support of his claim.

*Redemption how made.*—Whenever confiscation is ordered under this, the owner of the thing ordered to be confiscated may at the discretion of the Political Agent in charge of a Prant<sup>1</sup> be given an option of redeeming it on payment of such fine as the Political Agent in charge of a Prant<sup>1</sup> thinks fit.

24. *Payment of rewards.*—The Agent to the Governor [General]<sup>2</sup>, may from time to time make rules regulating the payment of rewards to officers and informers out of the proceeds of fine and confiscation under these rules.

<sup>3</sup>[25. *Appeals.*—Any person convicted by a Magistrate of an offence under these rules may appeal to the Court to which an appeal lies under the Kathiawar Criminal Court Rules (1924).

25A. All orders other than orders in a criminal case passed by an officer other than the Agent to the Governor General under these rules shall be appealable to the Agent to the Governor General at any time within sixty days from the date of the order complained of.

Orders passed by the Agent to the Governor General in appeal shall be final.]

26. *Cognizance of offences.*—Offences against these rules shall not be cognizable by any Magistrate exercising less powers than those of a Second Class Magistrate.

[*Bombay Government Gazette*, 1905, Pt. I, p. 970.]

### *Kathiawar Agency Whipping Rules, 1907.*

*No. 8789, dated the 9th December, 1907.*—In exercise of the power delegated by the Notification<sup>4</sup> of the Government of India in the Foreign Department No. 2859-I. A., dated 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is

<sup>1</sup> Includes "Officer in charge, Rajkot Civil Station".

<sup>2</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

<sup>3</sup> Substituted by Notification No. 66, dated the 10th August, 1926. *W. I. S. Agency Gazette*, 1926, p. 217.

<sup>4</sup> Now superseded, as regards the Western India States Agency, by Notification No. 472-I., dated the 3rd October, 1924. Printed *supra*, p. 153.

pleased, in supersession of all previous rules on the subject, to prescribe, with effect from 1st January, 1908, the following revised rules for regulating the infliction of punishment of whipping in certain cases tried by the Agency Courts in Kathiawar:—

I. Whoever commits any of the following offences may be punished with whipping in lieu of any punishment to which he may for such offence be liable under the Indian Penal Code:—

1. Giving or fabricating false evidence in such manner as to be punishable under section 193 of the Indian Penal Code.
2. Giving or fabricating false evidence with intent to procure conviction of a capital offence as defined in section 194 of the said Code.
3. Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment as defined in section 195 of the said Code.
4. Falsely charging any person with having committed an unnatural offence as defined in sections 211 and 377 of the said Code.
5. Voluntarily causing grievous hurt with dangerous weapons as defined in section 326 of the said Code.
6. Assaulting or using criminal force to any woman with intent to outrage her modesty as defined in section 354 of the said Code.
7. Kidnapping or abducting a woman to compel her marriage or to cause her defilement, etc., an offence as defined in section 366 of the said Code.
8. Rape as defined in section 375 of the said Code.
9. Unnatural offences as defined in section 377 of the said Code.
10. Theft as defined in section 378 of the said Code.
11. Theft in a building, tent, or vessel, as defined in section 380 of the said Code.
12. Theft by a clerk or servant as defined in section 381 of the said Code.
13. Theft after preparation for causing death or hurt as defined in section 382 of the said Code.
14. Extortion by threat as defined in section 388 of the said Code.
15. Putting a person in fear of accusation in order to commit extortion as defined in section 389 of the said Code.
16. Robbery or dacoity as defined in sections 390 and 391 of the said Code.

17. Attempting to commit robbery as defined in section 393 of the said Code.
18. Voluntarily causing hurt in committing robbery as defined in section 394 of the said Code.
19. Dishonestly receiving stolen property as defined in section 411 of the said Code.
20. Dishonestly receiving stolen property in the commission of a dacoity as defined in section 412 of the said Code.
21. Habitually receiving or dealing in stolen property as defined in section 413 of the said Code.
22. Lurking house-trespass or house-breaking as defined in sections 443 and 445 of the said Code in order to the committing of any offence punishable with whipping under this regulation.
23. Lurking house-trespass by night or house-breaking by night as defined in sections 444 and 446 of the said Code in order to the committing of any offence punishable with whipping under this regulation.
- <sup>1</sup>24. Forgery as defined in section 463 of the said Code.
- <sup>1</sup>25. Forgery of a document as defined in section 466 of the said Code.
- <sup>1</sup>26. Forgery of a document as defined in section 467 of the said Code.
- <sup>1</sup>27. Forgery for the purpose of cheating as defined in section 468 of the said Code.
- <sup>1</sup>28. Forgery for the purpose of harming the reputation of any person as defined in section 469 of the said Code.

II. Whoever having been previously convicted of any one of the offences specified in this regulation, shall again be convicted of the same offence may be punished with whipping in lieu of or in addition to, any other punishment to which he may for such offence be liable under the Indian Penal Code.

III. Any juvenile offender who abets, commits or attempts to commit:—

- (a) Any offence which is punishable under the Indian Penal Code otherwise than with death, or
- (b) Any offence which is punishable under any other law with imprisonment may be punished with whipping in lieu of any other punishment to which he may for such offence, abetment or attempt be liable.

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<sup>1</sup> Omitted by Notification No. 106, dated the 3rd December, 1926. *W. I. S. Agency Gazette*, 1926, p. 361.

Provided that the <sup>1</sup>[Agent to the Governor General in the States of Western India] may, by notification in the [Agency]<sup>1</sup> Gazette direct that the punishment of whipping shall not be inflicted in respect of such offences falling under clause (b) as he may think fit to specify in this behalf.

*Explanation.*—In this rule the expression “juvenile offender” means an offender whom the Court, after making such enquiry (if any) as may be deemed necessary shall find to be under 16 years of age, the finding of the Court in all cases being final and conclusive.

IV. Nothing in this regulation shall be deemed to affect or alter the criminal law applicable to the classes of persons specified in section VIII (a) and (b) of Act XXI of 1879.

[*Bombay Government Gazette*, 1907, Pt. I, p. 1987.]

*Rules for the management of the Majmu affairs of the  
Bagasra Taluka, 1909.*

No. 19, dated the 13th May, 1909.—With the sanction of Government, the Agent to the Governor is pleased to restore the jurisdiction of the Bagasra Taluka to the Talukdars, subject to the following conditions:

1. The Nyayadhash should be appointed by the shareholders subject to the <sup>2</sup>[Agent to the Governor General in the States of Western India's approval].

2. Appointments on the Nyayadhash's establishment should be proposed by him for the approval of the shareholders subject, in case of a difference of opinion among them, to the concurrence of the Political Agent.

3. All questions of pay, leave, allowance and rules governing them should be framed by the shareholders, in consultation with the Political Agent.

4. The Budget should be prepared by the Nyayadhash appointed by the shareholders, and then submitted to the Political Agent for scrutiny by him, but not for formal sanction.

5. In all miscellaneous and executive matters, the Nyayadhash should be under the orders of the shareholders, subject to the general control and direction of the Political Agent: and there should be an appeal to him.

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<sup>1</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

<sup>2</sup> Substituted by Notification No. 39, dated the 8th June, 1926. *W. I. S. Agency Gazette*, 1926, p. 132.

<sup>1</sup>[6. (a) In all Civil Cases there shall be an appeal from the decision of the Nyayadhish to the Court of the District Judge, Kathiawar. Where under the law for the time being in force a second appeal lies against the decision of the District Judge it shall lie to the Judicial Commissioner in the States of Western India.

The Judicial Commissioner may call for the record of any non-appealable case from the Court of the District Judge for purposes of revision.

Civil Appeals arising from the Bagasra Taluka shall be governed by the Kathiawar Agency Civil Courts Rules as contained in Government of India Notification No. 477-I., of 3rd October, 1924.

(b) Subject to the rules contained in the Kathiawar Agency Criminal Courts Rules published in Government of India Notification No. 479-I., of 3rd October, 1924, appeals from the decision of the Nyayadhish in Criminal matters shall lie to the Sessions Judge, Kathiawar. The Judicial Commissioner shall exercise the powers of revision of a High Court under section 439 of the Code of Criminal Procedure.]

7. The police should remain, for the present, and subject to consideration later, under the control of the Superintendent, Kathiawar Agency Police.

8. In the case of revenue recoveries on behalf of Managed Estates, the Nyayadhish should be bound to effect recovery at the request of the Superintendent,<sup>2</sup> Managed Estates, without question. If there is objection on the part of any one, there should be an appeal to the Agent to the Governor.<sup>3</sup>

9. In the case of non-Japti Estates the Nyayadhish should effect revenue recoveries subject to the Political Agent.

10. The education budget should be prepared separately and the Agency Educational Officer should propose no new expenditure without personal discussion with the shareholders and the concurrence of the Political Agent.

11. The municipality should be governed by the municipal committee, the Nyayadhish being bound to obey the committee's orders, which orders should be issued subject to the general advice of the Political Agent.

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[*Kathiawar Agency Gazette*, 1909, p. 90.]

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<sup>1</sup> Substituted by Notification No. 39, dated the 8th June, 1926. *W. I. S. Agency Gazette*, 1926, p. 132.

<sup>2</sup> Now Political Agent, Western Kathiawar Agency.

<sup>3</sup> Now Agent to the Governor General in the States of Western India.

*Kathiawar Agency Village Police Rules, 1909.*

No. 33, dated the 2nd July, 1909.—The following revised rules for the Agency Village Police, as sanctioned by Government, are hereby republished for the information and guidance of all concerned:—

1. The Village Police Patels and the Village Police (Pasaitas and Pagis) shall be appointed and transferred by the Talukdars or Girasias who have hitherto exercised that right subject to the approval of the Superintendent of the Agency Police, or for special recorded reasons, by the Superintendent of the Agency Police himself.

2. They may be fined (to an extent not exceeding  $\frac{1}{2}$  of their annual emoluments), suspended or dismissed for misconduct or neglect of duty or for breach of any of the following rules by the Talukdars who appointed them subject to the approval of the Superintendent, Agency Police, or for special recorded reasons, by the Superintendent, Agency Police, himself, subject to appeal to the Agent to the Governor.<sup>1</sup>

3. Nothing in the last preceding rule shall affect the liability of a Police Patel or of a member of the Village Police Establishment to a criminal prosecution for any offence with which he may be charged.

4. (1) Their number and remuneration in land or cash shall be fixed by the Prant Officer who shall, if necessary, order their pay to be recovered in advance along with the "Thana falo". An appeal against the decision of the Prant Officer fixing the number and remuneration shall lie to the Agent to the Governor.<sup>1</sup>

(2) In the event of any Girasia or Talukdar being held by the Prant Officer, after full enquiry, to be guilty of endeavouring to conceal crime or to induce the Village Police to do so, or of in any way obstructing the course of justice, the offending Talukdar or Girasia may, subject to the confirmation of the order by the Agent to the Governor,<sup>1</sup> be permanently deprived of his rights of nomination of any Village Police in his jurisdiction.

5. The power of granting leave to the Village Police shall be exercised by the Superintendent, Agency Police.

6. The Police Patel shall have authority to require all members of the Village Police Establishment to aid him in performing the duties entrusted to him. He shall dispose of such establishments so as to afford the utmost possible security against offences, breach of the peace, and acts injurious to the public and the village community. He shall report all instances of misconduct or of neglect committed by any member of such establishment to the Superintendent, Agency Police.

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<sup>1</sup> Now "Agent to the Governor General".

7. He shall afford all police officers every assistance in his power when called on by them for assistance in the performance of their duty.

8. He shall promptly obey and execute all orders and warrants issued to him by a Magistrate or police officer; shall collect and communicate to the Agency Police intelligence affecting the public peace; shall prevent within the limits of his village the commission of offences, and shall detect and bring offenders therein to justice.

9. If a serious crime is committed in his village he shall send word at once to the nearest Agency Police Station; and in the meantime arrest the offender if possible, and collect and preserve all the evidence obtainable to be subsequently handed over within 24 hours to the Agency Police.

10. (1) If any unnatural or sudden death occur, or if any corpse be found within the bounds of any village, the Police Patel shall forthwith assemble a *panch* to be composed of two or more intelligent persons belonging to the village or neighbourhood who shall investigate the cause of death and all the circumstances of the case and make a written report of the same which the Police Patel shall cause to be forthwith delivered to the Police Officer in charge of the nearest Agency Police Station.

(2) Any person, who on being called upon to serve as a *panch*, shall without justifiable cause refuse or neglect to do so, shall be liable on conviction, before a Magistrate to punishment not exceeding 50 rupees fine or in default of payment to imprisonment for one month.

(3) If the result of the inquest afford reason for supposing that death has been unlawfully occasioned, the Police Patel shall give immediate notice to the Officer in charge of the nearest Agency Police Station, and, if the corpse can be forwarded without the risk of putrefaction by the way, shall at once forward it to the nearest Medical Officer authorised to examine corpses under such circumstances who shall endeavour to ascertain the cause of death.

(4) Should the Police Patel be unable to forward the corpse without the risk of putrefaction rendering examination useless or dangerous, he shall nevertheless prevent the burning or burying of such corpse until the Police Officer in charge of the nearest Agency Police Station or one of his subordinates deputed by him or a Magistrate shall have assented thereto.

11. If any suspicious person is found within the village limits, the Police Patel shall question him; and if he does not give a proper account of himself shall arrest him and send him to the Police Thana together with any article likely to be useful as evidence.

12. He shall take charge of all unclaimed property within his village and shall report upon it for the orders of the Thandar.

13. He shall see that no case in the village not otherwise privileged carries or possesses arms without a "parwana". He shall see that the arms kept for the defence of the village are in good order and not taken away for other purposes.

14. He shall keep an eye on suspicious and bad characters and hold a "hazri" of them regularly every evening. If news comes of any crime in the neighbourhood, he shall immediately hold a "hazri" of them and note who are absent and ascertain where they are.

15. He shall keep the following registers and files as sanctioned by the Agency;—

#### 1. Registers.

- (1) Crime register.
- (2) Register of strangers visiting the village.
- (3) Register of convicted persons.
- (4) Muster roll of suspicious characters under surveillance.
- (5) "Parwana" register (for arms).
- (6) List of arms kept by the persons exempted from the operation of Arms Rules.
- (7) Process book.
- (8) Register of monies sent to Thanadars.
- (9) Opium account book (only for those Police Patels who are opium vendors also).
- (10) Inward register.
- (11) Outward register.
- (12) Hand delivery book.
- (13) Village police patrol book.
- (14) Village police muster roll.
- (15) Birth and Death register.
- (16) Register of impressed carts.
- (17) Register of "Ubhads", i.e., day-labourers residing in the village.
- (18) Visit book.
- (19) Register of cattle brought to the pound.
- (20) Receipts of cattle fines issued by the Police Patel.



2. *Files.*

- (1) File of vaccination returns prepared by vaccinators and given to Police Patels for records.
- (2) Periodical returns file.
- (3) Receipts of monies sent to Thanadar.
- (4) Circular file.
- (5) Miscellaneous file.

16. The registers of strangers visiting the village shall contain their names, description, and a short history of them, and the Police Patel shall watch their movements and report the same to the Thanadars and to the Agency Police.

17. All the above books and registers shall be open to the inspection of the Thanadars, as well as to Police Officers not below the rank of Head Constable. The result of such inspection shall be invariably communicated without delay to the Superintendent, Agency Police.

18. The Police Patel shall maintain and supervise the village cattle pound in accordance with the provisions of the Cattle Trespass Act.

19. He shall arrange for all requisite assistance to tracking parties. (Agency Circular No. 4 of 1865).

20. He shall comply with Agency orders as regards escort of Mianas.

21. In making an enquiry coming within the scope of his duty, the Police Patel shall have authority to search for concealed property within the limits of his own or of any other Agency village to which these rules apply, provided that he give immediate information to the Police Patel of such other village.

22. The terms of convention entered into by all the chiefs for co-operation in the suppression of dacoities and other serious crimes shall be carefully explained to every Police Patel by the Chief Constables.

23. All orders relating to matters specified in the attached schedule and issued by duly constituted revenue or political authority shall be promptly carried out by the Police Patel and Village Police Establishment, and any inattention thereto shall be severely dealt with.

24. Every Police Patel, when and as long as he shall be empowered by the Prant Officer in this behalf, shall have authority to punish by a fine not exceeding one rupee any person committing any of the nuisances, or disorderly acts below described, and to forbid the continuance or repetition of such nuisances or acts, *i.e.* :—

- (1) Any person who bathes or washes in, or otherwise defiles or causes to be defiled any public well, tank, or reservoir

so as to render it less fit for any purpose for which it is set apart.

- (2) Any person who deposits in forbidden places any dirt, filth or rubbish.
- (3) Any person, who on any public street, passage, or thoroughfare commits nuisance by easing himself, or who is, from intoxication, riotous, disorderly or incapable of taking care of himself.
- (4) Any person who, without any sufficient cause, wilfully allows to accumulate any offensive matter in cesspools, dung heaps or the like, so as to cause annoyance to the neighbouring residents or to passengers.
- (5) Any person who without any sufficient cause wilfully allows any offensive matter to issue on to any public thoroughfare from any house, factory, stable, privy or the like.
- (6) Any person who deposits the bodies of dead animals, or refuse, or filth of any description either in channels which in the rainy season feed any tank or reservoir set apart for drinking, or in other places where to deposit such is offensive to the community.
- (7) Any person who wantonly or cruelly beats, ill uses or tortures any animal.

25. All proceedings under the last-mentioned section shall be oral and held in the presence of the parties, but the Police Patel shall record the names of the parties, the final order passed with date of the same, and shall forward such record forthwith to the first class Magistrate of the Prant concerned.

26. Any fine imposed by a Police Patel under these rules shall be recoverable by him by issue of a warrant for the levy of the amount by distress and sale of any movable property belonging to the offender.

27. In case of the Police Patel being unable to attend to his duties owing to urgent absence from his village, sudden illness, or other cause, he shall place a competent person in charge, making an immediate report to the Chief Constable concerned and the person so placed in charge shall, until receipt of orders to the contrary, continue to act for the Police Patel in all his duties other than those specified in Section 24.

*Schedule.*

The following are the ordinary miscellaneous duties, other than strictly Police duties, of the Police Patel assisted by the Village Police Establishment:—

1. The collection of Agency dues under orders of superior authority.
2. Attachment, custody, and management of agricultural produce or other property in default of payment of revenue, political or civil dues, under orders of superior authority.
3. Search for agricultural produce in respect of which a revenue offence is suspected.
4. Furnishing such statistics and returns as may be called for by superior authority.
5. Reporting deaths of Talukdars and their Bhagdars and securing their property, pending necessary action by superior authority.
6. Notifying important political events or disputes to superior authority.
7. Supervision of village sanitation and water supply.
8. Furnishing information regarding health and condition of village community including cattle and assisting in the control of epidemics.
9. Assisting vaccination operations.
10. Supervision of authorised petty repairs in the village and its limits.
11. Communication and enforcement of miscellaneous orders issued by superior authority.
12. Occasional transmission of urgent messages.
13. Guarding camp and Daftar of officers on tour.
14. Keeping "Veth" register and enforcing customary "Veth".
15. Reporting upon stability of sureties and other such miscellaneous matters.
16. Collection and record of vital statistics.
17. Supervision of village "Gaucher".
18. Service of processes and notices.
19. Delivery of copies and collection of copying fees.

[*Kathiawar Agency Gazette*, 1909, p. 139.]

*Equitable Mortgage Rule, 1911.*

No. 4942, dated the 19th July, 1911.—In exercise of the powers and jurisdiction delegated by the Government of India under the Foreign Department Notification<sup>1</sup> No. 2859-I.A., dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to prescribe the following rule to be observed by the Courts of the Political Agency in Kathiawar:—

- (1) No court of the Political Agency in Kathiawar shall enforce any transaction of the nature of an equitable mortgage which, if recorded in writing, would be compulsorily registerable under the Kathiawar Registration Rules or other rules for the time being in force for the registration of documents in the said Political Agency.

[*Bombay Government Gazette*, 1911, Pt. I, p. 1221.]

*Rules for the Prevention of Dangerous Diseases.*

No. 4138, dated the 21st July, 1914.—In exercise of the powers under the Indian (Foreign Jurisdiction) Order in Council, 1902, delegated by the notification<sup>1</sup> of the Government of India in the Foreign Department, No. 2859-I. A., dated the 19th June, 1903, and of all other powers enabling him in this behalf, and in supersession of the rules published in Government Notification, Political Department, No. 3912, dated the 1st July, 1913, the Governor in Council is pleased to direct the introduction of the following rules into the Kathiawar Political Agency:—

<sup>2</sup>[(1) (a) Every medical practitioner, having reason to believe that any person, whom he has visited in his professional capacity in any dwelling other than a hospital, is suffering from any dangerous disease, shall give information of the same with the least possible delay to such person as may be appointed by the Political Agent in this behalf.

(b) Every head of a household and every Manager of a factory or educational institution knowing or having reason to believe that any person residing in any dwelling under his management or control is suffering from any dangerous disease shall give information of the same with the least possible delay to such person as may be appointed by the Political Agent in this behalf.]

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<sup>1</sup> Now superseded, as regards the Western India States Agency, by Notification No. 472-I., dated the 3rd October, 1924. Printed *supra*, p. 158.

<sup>2</sup> Substituted by Notification No. 119-D., dated the 3rd January, 1927. *W. I. S. Agency Gazette*, 1927, p. 5.

(2) No person shall offer any obstruction to the inspection under the order of the Political Agent of any place in which any dangerous disease is reported or suspected to exist, whether notice be given of such inspection or not, or to any measures taken under the order of the Political Agent to prevent the spread of the disease beyond such place.

(3) No person shall remove water for the purpose of drinking from any well, tank or other place which has been closed under the order of the Political Agent on the ground that the use of such water for drinking purposes is likely to endanger or cause the spread of a dangerous disease.

(4) Any person who is suffering from a dangerous disease and who is without proper lodging or accommodation, or is lodged in a room or set or apartments occupied by more than one family, if required to do so under the order of the Political Agent, proceed to such hospital, or other place as may be appointed by the order of the Political Agent for the medical treatment of such persons. Any such person refusing to proceed to such place may be removed there under the order of the Political Agent.

(5) The owner or occupier of any building or part of a building and any person owning or in charge of any article therein, shall, if required to do so under the written order of the Political Agent, clean or disinfect such building or part thereof or article therein. In case of default by such person, such work may be carried out under the Political Agent's order at such person's expense and no person shall offer any obstruction to the carrying out of such order.

(6) Any articles which have been exposed to infection from a dangerous disease and which cannot be effectively disinfected or cleaned may be destroyed under the Political Agent's order and no person shall offer any obstruction to the carrying out of such order.

(7) Where any person has been prohibited under the order of the Political Agent from removing or transferring to another person any articles which have been exposed to infection from a dangerous disease, such person shall not remove to any place or transfer to another person any article which he has reason to believe has been exposed to any infection of any kind whatever from such disease.

(8) The Political Agent may order the destruction of any huts or sheds which are insanitary or have been used by any person suffering from a dangerous disease and no person shall offer any obstruction to the carrying out of such orders.

(9) Any order or prohibition required or permitted by any of the foregoing Rules to be passed by the Political Agent may be passed also

by any other gazetted officer duly authorised by the Political Agent in this behalf.

(10) The term “dangerous disease” shall mean cholera, plague, small-pox, [tuberculosis]<sup>1</sup> and any endemic, epidemic, contagious, or infectious disease by which human life is endangered.

<sup>1</sup>[(11) (a) Any medical practitioner who in contravention of Rule (1) (a) omits to give information respecting any dangerous disease shall, on conviction, be punished with fine which may extend to Rs. 200.

(b) Any person who in any area for which notice has been published under Rule 12 disobeys any order which is for the time being in force therein, or obstructs the Political Agent or any person acting under his authority in carrying out executively such order, shall be punished with fine which may extend to two hundred rupees.]

<sup>1</sup>[(12) (a) Rules (1) (a), 10 and (11) (a) shall come into force forthwith. With the exception of these Rules none of the rules shall come into force until the Political Agent on being satisfied that any part of the area within his jurisdiction is visited by or threatened with any of the diseases specified in Rule (10) shall, by a Notification published in the *Western India States Agency Gazette* and such other manner as he may think fit, declare all or any of them to be in force.

(b) In publishing such Notification the Political Agent shall specify the area within which the Rules shall be in force.

(c) The Rules so notified shall remain in force until cancelled by a Notification published by the Political Agent in the *Western India States Agency Gazette*.]

[*Bombay Government Gazette*, 1914, Pt. I, p. 1639.]

### *Suits Valuation Rules, 1915.*

No. 4932, dated the 19th August, 1915.—In exercise of the power and jurisdiction delegated by the Government of India, Foreign Department, Notification<sup>2</sup> No. 2859-I.A., dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased in supersession of the rules for the valuation of suits, published at page 258 of the Kathiawar Political Agency Gazette, 1873,

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<sup>1</sup> Substituted by Notification No. 119-D., dated the 3rd January, 1927. *W. I. S. Agency Gazette*, 1927, p. 5.

<sup>2</sup> Now superseded, as regards the Western India States Agency, by Notification No. 472-I., dated the 3rd October 1924. Printed *supra*, p. 158.

to prescribe the following rules for the valuation of suits in the Civil Courts of the Kathiawar Political Agency:—

1. The amount of fee payable in the suits next hereinafter mentioned shall be computed as follows:—

- (i) In suits for money (including suits for damages or compensation or arrears of maintenance or arrears of annuities or of other sums payable periodically) according to the amount claimed.
- (ii) In suits for maintenance and annuities or other sums payable periodically—according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year.
- (iii) In suits for moveable property other than money, where the subject-matter has a market-value—according to such value at the date of presenting the plaint.
- (iv) In suits—
  - (a) for moveable property where the subject-matter has no market-value, as, for instance, in the case of documents relating to title,
  - (b) to enforce the right to share in any property on the ground that it is joint family property,
  - (c) to obtain an injunction,
  - (d) for a right to some benefit (not herein otherwise provided for) to arise out of land, and
  - (e) for accounts—

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal.
- (v) In suits for the possession of land, houses and gardens—according to the value of the subject-matter; and such value shall be deemed to be—
  - (a) Where the subject-matter is land—ten times the gross produce arising from the land during the year next before the date of presenting the plaint. The rate of one rupee per bigha or third part of an acre may be considered to be the average annual gross produce, unless the Court considers that the rate is obviously insufficient;
  - (b) Where the subject-matter is a house or garden according to the market-value of the house or garden.

Provided that where the suit is for the recovery of possession of immoveable property from a tenant, including a tenant

holding over after the determination of a tenancy, the value of the subject-matter shall be deemed to be the amount of the rent of the immoveable property to which the suit refers, payable for the year next before the date of presenting the plaint.

(vi) In suits, for *vero* or *manu mapu* or for the interest of an assignee of land revenue or for *haks* arising out of the land—ten times the gross produce.

(vii) In suits to set aside an attachment of land or of an interest in land or revenue—according to the amount for which the land or interest was attached.

Provided that, where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land, or interest.

(viii) In suits against a mortgagee for the recovery of the land mortgaged, and in suits by a mortgagee to foreclose the mortgage—according to the principal money expressed to be secured by the instrument of mortgage.

2. If the Court sees reason to think that the annual gross produce or the market-value of any land, house or garden has been wrongly estimated, the Court may, for the purpose of computing the fee payable, issue a commission to any proper person directing him to make such local or other investigation as may be necessary and to report thereon to the Court.

3. If, in the result of any such investigation, the Court finds that the gross produce or market-value has been wrongly estimated, the Court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee.

But if the estimation has been insufficient, the Court shall require the plaintiff to pay so much additional fees as would have been payable had the estimation been right.

In such case the suit shall be stayed until the additional fee is paid. If it is not paid within such time as the Court shall fix, the suit shall be dismissed.

4. In suits for mesne profits, or for immoveable property and mesne profits, or for an account, if the profits or amount decreed are in excess of the profits claimed or the amount at which the plaintiff valued the relief sought, the decree shall not be executed until the difference between the fee actually paid and the proper fee (payable if the suit had comprised the whole of the profits or the amount so decreed) shall have been paid to the Court.



5. When the amount of mesne profit is left to be ascertained in the course of the execution of the decree, if the profit so ascertained exceed the profits claimed, the further execution of the decree shall be stayed until the difference between the fee actually paid and the fee which would have been payable (had the suit comprised the whole of the profits so ascertained) is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed.

6. Every question relating to valuation for the purpose of determining the amount of any fee chargeable under these rules on a plaint or memorandum of appeal shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed, and such decision shall be final as between the parties to the suit.

But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided, to the loss of the fee Fund, it may require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided, and the provisions of rule 3 shall apply.

7. If an appeal or plaint which has been rejected by the lower Court is ordered to be received, or if a suit is remanded in appeal for a second decision by the Lower Court, which had thrown it out on a preliminary point, the Appellate Court shall grant to the appellant a certificate authorising him to receive back the full amount of fee paid on the memorandum of appeal:

Provided that if in the case of a remand on appeal the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorise the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

8. Where an application for a review of judgment is admitted and where, on the re-hearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorising him to receive back the fee paid on the application.

But nothing in this rule shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

9. When any appeal is presented to a Civil Court not against the whole of a decision, but only against so much thereof as relates to a portion of the subject-matter of the suit, and on the hearing of such appeal the respondent takes an objection to any part of the said decision other than the part appealed against, the Court shall not hear such

objection until the respondent shall have paid the additional fee which would have been payable had the appeal comprised the part of the decision so objected to.

[*Bombay Government Gazette*, 1915, Pt. I, p. 2160.]

*Kathiawar Agency Criminal Courts Rules.*

No. 479-I., dated the 3rd. October, 1924.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in this behalf, the Governor General in Council is pleased, in supersession of the notification of the Government of Bombay in the Political Department No. 4319-A., dated the 23rd July, 1915, as subsequently amended, to direct that, with effect from the 10th October, 1924, the following shall be rules in force for defining and regulating the jurisdiction of the Criminal Courts of the Political Agency of Kathiawar :

<sup>1</sup>[Provided that the Agent to the Governor General in the States of Western India shall direct whether all or any proceedings pending on the date of this Notification shall be carried on (a) as if this Notification had not issued, or (b) in accordance with this Notification.]

*Kathiawar Agency Criminal Courts Rules.*

1. There shall be five classes of local Criminal Courts in the Political Agency of Kathiawar, viz. :—

- I. The Chief Court of Criminal Justice.
- II. The Criminal Court of the Sessions Judge in Kathiawar.
- III. Courts of Magistrates of the First Class.
- IV. Courts of Magistrates of the Second Class.
- V. Courts of Magistrates of the Third Class.

2. The cases cognizable by each of the said Courts and the sentences or orders which may be passed by them respectively shall be as follows, viz. :—

Courts.	Cases cognizable.	Sentences or orders which may be passed.
I. By the Chief Court of Criminal Justice.	Cases committed to it as the Provincial Court of Session by the Magistrates of the province and State Courts empowered to commit and cases brought before it by special arrangement with the State concerned or by order of the Agent to the Governor General.	Any sentence authorized by any law at the time in force in British India except that the sentence of death shall be subject to confirmation by the Judicial Commissioner exercising the powers of the High Court.

<sup>1</sup> Substituted by Notification No. 560-I., dated the 18th November, 1924. W. I. S. Agency Gazette, 1924, p. 351.

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*Special Laws applying to the Eastern Kathiawar Agency and  
the Western Kathiawar Agency.*)

Courts.	Cases cognizable.	Sentences or orders which may be passed.
II. By the Sessions Court in Kathiawar.	Appeals from sentences or orders of Magistrates of the First Class and cases referred to it by officers exercising the powers of District Magistrates or called for by itself for revision.	Any sentence or order which under the law at the time in force in British India a Sessions Court would be empowered to pass in the case before such Court.
III. By the Magistrate of the First Class.	Cases cognizable under the law at the time in force in British India by Magistrates of the First Class. Appeals, if the Magistrate be a Political Agent in charge of a Prant, from the sentences or orders of Magistrates of the Second and Third Classes.	Any sentence or order which under the law at the time in force in British India a Magistrate of the First Class so empowered would have power to pass.
IV. By Magistrates of the Second Class.	Cases cognizable under the law at the time in force in British India by Magistrates of the Second and Third Classes respectively.	Any sentence or order which under the law at the time in force in British India a Magistrate of the Second or Third Class so empowered would respectively have power to pass.
V. By Magistrates of the Third Class.		

3. The Chief Court of Criminal Justice shall consist of the District and Sessions Judge as President with three or more members selected by the President from among the Talukdars and principal Officers of the States.

The District and Sessions Judge shall ordinarily preside over the said Court, but it shall be competent to the Judicial Commissioner, with the previous sanction, of the Agent to the Governor General, whenever he thinks it expedient, to depute any Political Agent in charge of a Prant for the purpose.

4. The decision on all questions of procedure or law and on all intermediate points which arise at the hearing of any case in the Chief Court of Criminal Justice shall rest with the President.

Except as hereinafter provided the final order or sentence of the Court shall be decided by a majority of votes of the members of the Court; and in case of an equal division of votes, the President shall have a second or casting vote.

If the President disagrees with the majority of the Members of the Court as regards the finding to be recorded or sentence to be passed in respect of all or any of the charges on which the accused has been tried, and is clearly of opinion that it is necessary for the ends of justice to submit the case to the Judicial Commissioner exercising the powers of the High Court he shall submit the case accordingly, recording grounds of his opinion, and when the majority is in favour of acquittal, stating the offence which he considers to have been committed.

Whenever the President decides to submit a case under this rule, order of acquittal or conviction shall not be recorded by the Court, but the President may either remand the accused to custody or admit him to bail. Thereupon the President shall cause to be served on the accused a notice to which shall be attached copies of this rule and of the address of the President to the members and of the recorded opinion of the dissenting majority, calling upon him to show cause, by memorial addressed to the Judicial Commissioner and delivered to the President within the prescribed period why every point of difference of opinion between the President and the majority of the Members of the Court, whether as regards finding or sentence should not be decided against him, and why sentence should not be passed upon him according to law. The said period shall be 21 days from the receipt of notice in any case in which the President or the majority of the Members of the Court is of opinion that sentence of death should be passed, and 60 days from the receipt of notice in any other case. On receipt of the memorial, if any is presented within the said period, the President shall forward it, along with the record of the case, to the Judicial Commissioner with any remarks which he may think necessary.

In dealing with the case so submitted the Judicial Commissioner may exercise any of the powers which he may exercise on appeal, and subject thereto he shall, after considering the entire evidence and giving due weight to the opinions of the President and of the Members of the Court and to the memorial of the accused, acquit or convict the accused of any offence of which the Chief Court could have convicted him upon the charge framed and placed before it: and if he convicts him, may pass such sentence as might have been passed by the Chief Court.

5. The Chief Court of Criminal Justice shall be held at such times and places as the President, having regard to the convenient despatch of business, shall direct.

6. The records of cases committed for trial to the Chief Court of Criminal Justice shall be forwarded direct to the District and Sessions Judge, who, during the intervals when the said Court is not sitting, shall exercise in respect of such cases all the powers exercisable under the law at the time in force in British India by a Sessions Judge:

Provided that:—

- (a) With the previous sanction of the Agent to the Governor General, the Judicial Commissioner may allow, whenever he thinks fit, any Political Agent to exercise the said powers in lieu of the District and Sessions Judge in respect of such a case only;
- (b) If any Political Agent in charge of a Prant is deputed in lieu of the District and Sessions Judge to preside at a

trial of any case by the said Court, the power aforesaid shall be exercised in respect of such a case by the Political Agent so deputed, and not by the Sessions Judge.

7. The District and Sessions Judge shall ordinarily be the Judge in the Criminal Court of Kathiawar, and, except as hereinafter provided, his judgment or order in any case which comes before that Court shall be deemed to be the judgment or order of the Court:

Provided that, if the judgment or order which is before the Court in appeal or for revision is that of an officer exercising the powers of a District Magistrate, or if in any case the Sessions Judge deems the conduct of a Magistrate to be deserving of censure, or if, in his opinion, any case involves a question of importance, he shall submit his judgment or order to the Judicial Commissioner, together with a record of his proceedings, for his advice before pronouncing the sentence. If the Judicial Commissioner concurs in the judgment or order proposed by the Sessions Judge it shall be the judgment or order of the Court. If the Judicial Commissioner does not concur in the judgment or order of the Sessions Judge, he shall give the latter directions to modify his judgment on the points on which the Judicial Commissioner thinks that it should be modified, or the Judicial Commissioner, after having the case re-argued before himself, if he shall think it necessary, shall record his own judgment or order, which shall then be deemed to be the judgment or order of the Court. Such judgment or order when given by the Judicial Commissioner shall be final.

8. The following officers shall be Magistrates of the three classes respectively:—

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| (1) The Political Agents in charge of Eastern and Western Kathiawar   | } shall be Magistrates of the First Class.  |
| (2) Deputy Political Agents in charge of Eastern and Western Kathiawar specially invested by the Agent to the Governor General with First Class powers        |   |
| (3) Deputy Political Agents in charge of Eastern and Western Kathiawar if not specially invested by the Agent to the Governor General with First Class powers | } shall be Magistrates of the Second Class. |
| (4) Thandar specially invested by the Agent to the Governor General with Second Class powers  |   |

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| <p>(5) Thandars not specially invested by the Agent to the Governor General with Second Class powers</p> <p>(6) Thana Aval Karkuns and other officers whom the Political Agent in charge of Eastern or Western Kathiawar has invested with the Third Class powers</p> | } | <p>shall be Magistrates of the Third Class.</p> |
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Every Political Agent in charge of a Prant shall also exercise within such Prant the powers of a District Magistrate under any law at the time in force in British India.

9. No appeal shall lie from any judgment or order of a Criminal Court except as provided for in these rules or by any law for the time being in force in the Province.

10. Any person who, in the spirit of Section 89 of the Code of Criminal Procedure, 1898, has applied to any Court for the delivery of property or of the proceeds of the sale thereof and whose application has been rejected, may appeal to the Court to which appeals ordinarily lie from the sentences of the former Court.

11. Any person required by a Magistrate, other than a District Magistrate, to give security for good behaviour may appeal to the District Magistrate.

12. Any person convicted on a trial held by any Magistrate of the Second and Third Class may appeal to the District Magistrate.

13. Any person convicted on a trial held by a District Magistrate or other Magistrate of the First Class and any person sentenced by a District Magistrate under Section 349 of the Code of Criminal Procedure, 1898, or under any other similar law at the time in force, may, except in cases in which the Magistrate passes a sentence of imprisonment not exceeding one month only, or of fine, not exceeding Rs. 50 only or of whipping only, appeal to the Criminal Court of the Sessions Judge.

14. In all matters not expressly provided for in these rules the Criminal Courts shall be guided, as regards procedure, by the spirit of the Criminal Procedure Code at the time in force in British India and by the Foreign Jurisdiction and Extradition Act at the time in force in British India.

In convicting of offences and in the award of punishment the said Courts shall be guided by the Indian Penal Code and by any law at the time in force in the Province.

15. The Judicial Commissioner shall exercise the same powers of appeal and revision in regard to the decisions and proceedings of the

Chief Court of Criminal Justice as are exercised by a High Court over a Court of Session under the Code of Criminal Procedure.

[*Gazette of India, Extraordinary, 1924, p. 375.*]

*Kathiawar Agency Civil Courts Rules.*

No. 47S-I., dated the 3rd October, 1924.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in this behalf, the Governor General in Council is pleased, in supersession of the Bombay Government Notification in the Political Department No. 6098, dated 16th August 1917, as subsequently amended, to prescribe, with effect from the 10th October, 1924, the following revised rules for defining the civil jurisdiction (original, appellate and revisional) to be exercised by the Courts of the Political Agency in Kathiawar and by the Court of the Judicial Commissioner in Western India States Agency in civil proceedings originating in the Kathiawar Political Agency, for regulating the right of appeal and the payment of Court-fees by parties, and for ensuring punctuality in the discharge of judicial business:—

<sup>1</sup>[Provided that—

- (1) the Agent of the Governor General in the States of Western India shall direct whether all or any proceedings pending on the date of this Notification shall be carried on (a) as if this Notification had not issued, or (b) in accordance with this Notification;
- (2) when the Agent to the Governor General directs that any such proceedings shall be carried on in accordance with this Notification, he may also direct that the previous stages of such proceeding shall be deemed for all purposes to have been taken in the Courts in which they would have been taken if this Notification had been in force when the proceeding was instituted.]

Nothing herein contained shall be deemed to be applicable to political suits, save as may be expressly ordered by the Agent to the Governor General in the Western India States Agency.

*Kathiawar Agency Civil Courts Rules.*

1. *Classification of Courts.*—The Courts of the Kathiawar Political Agency, whether permanent or temporary, are classed as:—

- (i) Subordinate Agency Courts of Thanadars.

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<sup>1</sup>Substituted by Notification No. 560-I., dated the 18th November, 1924. *Gazette of India, 1924, Pt. I, p. 1022.*

(ii) The Court of the Civil Subordinate Judge in Kathiawar.

(iii) The Court of the District Judge in Kathiawar.

(iv) The Court of the Judicial Commissioner.

2. *Original Jurisdiction of Courts and transfer of suits.*—The Subordinate Agency Courts comprise the Courts of the Thanadars, and their jurisdiction is limited to suits classed as “Civil” of all descriptions (i) of the value specified for each Court in Appendix “A”, subject to such alterations as the Judicial Commissioner with the sanction of the Agent to the Governor General shall from time to time direct: (ii) of any value specially referred to them by order of the Judicial Commissioner.

(2) The Court of the Civil Subordinate Judge in Kathiawar possesses an original jurisdiction in civil suits of all descriptions without any limit as to value. He also exercises the powers of a Small Cause Court up to a value of Rs. 1,000 and in the Civil Stations of Rajkot and Wadhwan and within Railway limits.

(3) Every suit shall be instituted in a Court of the lowest grade competent to try it, but the Judicial Commissioner may transfer a suit from any Court to any other Court subordinate to him in the Agency, and in like manner the District Judge may transfer any suit from the Court of the Civil Subordinate Judge in Kathiawar, or from any one Subordinate Agency Court to any other of the Subordinate Agency Courts, as classified by Appendix “A”:

Provided that if during the hearing of any suit it is found that owing to a mistake in valuation or other cause it has been instituted in a Court of a higher grade than required, it shall be within the discretion of such Courts to allow the hearing to proceed or at any stage to return the plaint for presentation to the proper Court.

(4) Any proceedings pending in any Civil Court of the Agency in respect to any debt or liability of a Talukdar whose estate is attached by any Political Agent in the Agency on account of its being encumbered shall, on the publication of the order of attachment in the *Western India States Agency Gazette* be stayed; and the operation of all processes, executions and attachments then in force for, or in respect of, such debts and liabilities shall be suspended; and so long as such attachment continues, no fresh proceedings, processes, executions or attachments shall be instituted or issued by any such Court in respect of such debts and liabilities.

(5) As no holder or sub-sharer of any estate assessed for Government or Gaekwari tribute and no Talukdar or his sub-sharer is liable for any debt or liability incurred by his predecessor unless he has admitted the



claim in writing or unless such debt or liability has received the written sanction of the Political Agent, no Agency Court shall entertain any suit against any such holder, Talukdar or sub-sharer in respect of any such debt or liability not admitted or sanctioned as aforesaid.

(6) Save in the exercise of residuary jurisdiction, no Agency Court shall, without the sanction of the Political Agent, entertain any suit against any holder or sub-sharer of an estate assessed for Government or Gaekwari tribute, or against any Talukdar or his sub-sharer.

(7) No Agency Court shall, without the sanction of the Political Agent, give any effect whatever to any decree in respect of a pecuniary claim or debt or mortgage passed against any holder or sub-sharer of an estate assessed for Government or Gaekwari tribute or against any Talukdar or his sub-sharer after the death of such holder, Talukdar or sub-sharer, unless the said claim, debt or mortgage has been admitted in writing by the successor against whom the decree is sought to be enforced, or has received the written sanction of the Political Agent.

(8) If the District Judge, the Civil Subordinate Judge or a Thanadar considers that a suit which has been filed as a civil suit, should be heard as a political suit, he shall refer the question to the *Political Agent* in whose Division the property concerned in the suit is situated. The decision of such Political Agent, shall, subject to the general or special orders of the Agent to the Governor General, be final. Any party to a suit may also apply to the Political Agent for an order that a civil suit shall be heard as a political suit.

## II. FIRST APPEALS.

<sup>1</sup>[3. (1) A first appeal shall lie from the decision of a subordinate Agency Court to the Court of the District Judge:

Provided that the Civil Subordinate Judge may hear and decide appeals from such decisions of the Subordinate Agency Courts as the District Judge may by general or special order refer to him.

(2) In all suits decided by the Civil Subordinate Judge in which the amount or value of the subject-matter does not exceed Rs. 5,000 a first appeal shall lie to the Court of the District Judge.

4. If at the hearing of any appeal the Civil Subordinate Judge or the District Judge is of opinion that any important question of a political nature is involved he shall submit the judgment or order which he proposes to make in the appeal to the Political Agent in whose Division the property in suit is situate, together with the record of the

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<sup>1</sup>Substituted by Notification No. 68, dated the 11th August, 1926. *W. I. S. Agency Gazette*, 1926, p. 225.

proceedings, for his opinion before pronouncing the same. If the Political Agent agrees with the judgment or order proposed it shall be the judgment or order of the Court. If the Political Agent does not agree with the judgment or order proposed and any modification which he suggests is accepted by the referring Court, the judgment or order so modified shall be the judgment of the Court. If the referring Court does not accept any modification proposed by the Political Agent, such Court shall incorporate the Political Agent's opinion in its judgment or order.

4A. (1) In all suits decided by the Civil Subordinate Judge in which the amount or value of the subject-matter exceeds Rs. 5,000, a first appeal shall lie to the Court of the Judicial Commissioner.

(2) In all suits transferred by the Judicial Commissioner from any Subordinate Agency Court or from the Civil Subordinate Judge to the Court of the District Judge for original hearing, a first appeal shall lie to the Court of the Judicial Commissioner.

### III. SECOND APPEALS AND REVISION.

5. (1) When any appeal is decided by the Court of the Civil Subordinate Judge or of the District Judge, if the suit should be of the nature cognizable by a Small Cause Court and of value not exceeding Rs. 500, and if of any higher value with the consent of the parties, the decision of the first appellate Court shall be final.

(2) Save as otherwise expressly provided under these rules or by any other law for the time being in force, a second appeal shall lie to the Court of the Judicial Commissioner from any decree passed in appeal by any Court subordinate to the Judicial Commissioner on any of the grounds indicated in Section 100 of the Code of Civil Procedure, 1908.

(3) Notwithstanding anything hereinbefore contained, a second appeal shall lie to the Court of the Judicial Commissioner in every case in which a judgment or order has been submitted to the Political Agent in accordance with the provisions of rule 4 and the Civil Subordinate Judge or the District Judge, as the case may be, has disagreed with the opinion of the Political Agent.]

6. *Supervision and revision by the District Judge.*—Subject to the orders of the Judicial Commissioner, it is the duty of the District Judge to call for and examine the returns of civil business in the Subordinate Agency Courts and the Court of the Civil Subordinate Judge, according to such forms as may, from time to time, be prescribed by the Judicial Commissioner, and he is authorised to send for the proceedings in any case for inspection. All irregularities and undue

delays that may be discovered should be reported by the District Judge for the orders of the Judicial Commissioner.

(2) He should further submit to the Judicial Commissioner an annual report of the state of judicial business for inclusion in the Administration Report of the Agent to the Governor General.

<sup>1</sup>[7. The Judicial Commissioner may call for the record of any case which has been decided by any Court subordinate to him, and in which no appeal lies, for purposes of revision.]

<sup>2</sup>[8. *Appeals and revision applications to the Judicial Commissioner, form and procedure relating to.*—Appeals and applications for revision to the Judicial Commissioner shall be submitted in duplicate, accompanied by an authenticated copy of the decree appealed from or sought to be revised and (unless the appellate Court dispenses therewith) of the judgment on which it is founded and by certified translations of any document on which the suit has been brought or which may be relied on in appeal, within 90 days of the decree appealed against exclusive of the time taken up in obtaining copies.]

(2) A rejoinder to the appeal or application for revision will be called for if necessary by the Judicial Commissioner through the District Judge. If the Judicial Commissioner calls for a rejoinder, the District Judge shall cause one copy of the appeal or application for revision to be served on the respondent with a notice requiring him to submit, in duplicate, to the District Judge any reply he may wish to make within 30 days from service of such notice: Provided that such time may be extended to 60 days at the discretion of the District Judge.

8A. *Application to the Judicial Commissioner for review.*—No application to the Judicial Commissioner for a review of any judgment passed by the Judicial Commissioner in a civil case will be received, unless the application be presented within 90 days from the date on which the decision of the Judicial Commissioner may have been communicated to the applicant or unless the applicant shows good cause for not having presented the application within such period.

#### IV. COURT FEES.

9. *Court fees in the Agency Courts.*—In suits in the Court of first instance and in the appellate Court of the Kathiawar Political Agency

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<sup>1</sup> Substituted by Notification No. 68, dated the 11th August, 1926. *W. I. S. Agency Gazette*, 1926, p. 225.

<sup>2</sup> Substituted by Notification No. 93, dated the 18th October, 1926. *W. I. S. Agency Gazette*, 1926, p. 311.

fees will be levied according to the Provisions of the annexed Schedule (Appendix "B").

*Exceptions.*—Nothing in the said Schedule shall render the following documents chargeable with a fee under these rules :

- (i) First application (other than a petition containing a criminal charge of information) for the summons of a witness or other person to attend either to give evidence or to produce a document or in respect of an exhibit (not being an affidavit made for the immediate purpose of being produced in Court).
- (ii) Bail bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.
- (iii) Petition by a prisoner.
- (iv) Application for the payment of money due by Government or the Agency to the applicant.

10. *In appeals to the Judicial Commissioner.*—No appeal to the Judicial Commissioner will be received without payment of the fees prescribed below, unless the appellant shall have been authorised by the District Judge to appeal *in forma pauperis*. Where the value of the property claimed as computed in the original Court,

does not exceed Rs. 200, a fee should be paid of Rs. 16,

exceeds Rs. 200 but not Rs. 250, a fee of Rs. 20,

exceeds Rs. 250 but not Rs. 300, a fee of Rs. 24,

exceeds Rs. 300 but not Rs. 350, a fee of Rs. 28,

and so on, being at the rate of a fee of Rs. 4 for every Rs. 50 of value claimed and up to the amount of Rs. 10,000. But in suits for recovery of a value greater than Rs. 10,000 the fee shall be calculated at the rate of 8 per cent. on each additional Rs. 100 or a fraction of Rs. 100 above that limit.

11. *In applications to the Judicial Commissioner.*—No application to the Judicial Commissioner for revision will be received without payment of a fee of Rs. 4.

The same fee should be paid on an application to the Judicial Commissioner for a review as on a petition of appeal, but the applicant will be entitled to a refund of the fee after deducting Rs. 4, if the application be admitted, and if the Judicial Commissioner reverses or modifies his former decision on the ground of mistake in law or fact, except when such reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

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APPENDIX A.

*List of Subordinate Civil Courts under the Kathiawar Political Agency  
referred to in rule 2.*

No.	Names of Courts.	Proposed jurisdiction.
1	The Court of the Civil Subordinate Judge in Kathiawar . . . . .	No limit.
2	The Court of the Thanadar at Dhrafa . . . . .	500
3	Ditto Babra . . . . .	500
4	Ditto Chotila . . . . .	500
5	Ditto Lakhapadar . . . . .	500
6	Ditto Wadhwan District . . . . .	500
7	Ditto Bhoika . . . . .	500
8	Ditto Dasada . . . . .	500
9	Ditto Lodhika . . . . .	500
10	Ditto Paliad . . . . .	500
11	Ditto Songadh . . . . .	500
12	Ditto Chok-Datha . . . . .	500
[18	Ditto Jhinjhuwada . . . . .	500]

APPENDIX B.

SCHEDULE I.

*Ad Valorem Fees.*

No.		Proper fee.
1	Plaint, written statement, pleading, a set off or counter-claim or memorandum of appeal (not otherwise provided for) or of cross objection presented to any Civil Court.	<p>When the amount or value of the subject matter in dispute does not exceed five rupees. Six annas.</p> <p>When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees up to one hundred rupees. Six annas.</p> <p>When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to five hundred rupees. Twelve annas.</p> <p>When such amount or value exceeds five hundred rupees, for every ten rupees, or part thereof, in excess of five hundred rupees, up to one thousand rupees. One rupee and two annas.</p>

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<sup>1</sup> Added by Notification No. 572-I., dated the 26th November, 1924. *Gazette of India*, 1924, Pt. I, p. 1037.

SCHEDULE I—*contd.*

No.		Proper fee.
	When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees.	Seven rupees and eight annas.
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees.	Fifteen rupees.
	When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.	Twenty-two rupees and eight annas.
	When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees.	Thirty rupees.
	When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees.	Thirty rupees.
	When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees.	Thirty rupees.
	Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be six thousand rupees.	
2	Plaint or memorandum of appeal in a suit by a person dispossessed of immoveable property otherwise than by due course of law where the suit is brought within six months from the dispossession and is for recovery of possession only without reference to title.	.....
		A fee of one-half the amount prescribed in the foregoing scale.

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SCHEDULE I—*contd.*

No.	---	---	Proper fee.
3 Application for review of judgment if presented on or after the 90th day from the date of decree.	.....	-	<p>The fee leviable on the plaint or memorandum of appeal.</p> <p>NOTE.—Where an application for review of judgment is admitted and where on the rehearing the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a refund of so much of the fee as exceeds the fee payable on any other application to such Court, except when such reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.</p>
4 Application for review of judgment if presented before the 90th day from the date of the decree.	.....		<p>One-half of the fee leviable on the plaint or memorandum of appeal.</p> <p>NOTE.—Where an application for review of judgment is admitted and where on the rehearing the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a refund of so much of the fee as exceeds the fee payable on any other application to such Court, except when such reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.</p>

SCHEDULE I—*contd.*

No.		Proper fee.
5.	Copy of translation of a judgment or order not being or having the force of a decree.	When such judgment or order is passed by any Civil Court other than the Court of the Agent to the Governor or by any other Judicial or Executive authority: <p>(a) If the amount or value of the subject-matter is fifty or less than fifty rupees. Eight annas.</p> <p>(b) If such amount or value exceeds fifty rupees. One rupee.</p> <p>When such judgment or order is passed by the Court of the Agent to the Governor. Two rupees.</p>
6.	Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than the Court of the District Judge in Kathiawar: <p>(a) If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees. One rupee.</p> <p>(b) If such amount or value exceeds fifty rupees. Two rupees.</p> <p>When such decree or order is made by the Court of the District Judge in Kathiawar. Four rupees.</p>
7.	Copy of any document liable to stamp duty under the stamp rules when left by any party to a suit or proceeding in place of the original withdrawn.	(a) When the stamp-duty chargeable on the original does not exceed eight annas. The amount of the duty chargeable on the original.
		(b) In any other case . One rupee.
8.	Copy of any executive or judicial proceeding or order, not otherwise provided for, or copy of any account or statement, report or the like taken out of any Civil or Criminal Court or from the office of any Political or Executive officer.	For every 360 words or fraction of 360 words. Eight annas.
9.	Probate of a will or letters of administration with or without will annexed.	When the amount or value of the property in respect of which the grant of probate or letters of administration Two per centum.



SCHEDULE I—*contd.*

No.	—	—	Proper fee.
9	Probate of a will or letters of administration with or without will annexed— <i>contd.</i>	is made exceeds one thousand rupees, on the part of the amount or value in excess of one thousand rupees up to five thousand rupees.	Two and a half per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds five thousand rupees, on the part of the amount or value in excess of five thousand rupees up to ten thousand rupees.	
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds ten thousand rupees, on the part of the amount or value in excess of ten thousand rupees, up to fifty thousand rupees.	Three per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds fifty thousand rupees, on the part of the amount or value in excess of fifty thousand rupees, up to one lakh of rupees.	Three and a half per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds one lakh of rupees, on the part of the amount or value in excess of one lakh of rupees, up to one lakh and fifty thousand rupees.	Four per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds one lakh and fifty thousand rupees, on the part of the amount or value in excess of one lakh and fifty thousand rupees, up to two lakhs of rupees.	Four and a half per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of administration	Five per centum.

SCHEDULE I—*contd.*

No.	—	—	Proper fee.
9	Probate of a will or letters of administration with or without will annexed— <i>contd.</i>	is made exceeds two lakhs of rupees, on the part of the amount or value in excess of two lakhs of rupees, up to two lakhs and fifty thousand rupees.	
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds two lakhs and fifty thousand rupees, on the part of the amount or value in excess of two lakhs and fifty thousand rupees, up to three lakhs of rupees.	Five and a half per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds three lakhs of rupees, on the part of the amount or value in excess of three lakhs of rupees, up to four lakhs of rupees.	Six per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds four lakhs of rupees, on the part of the amount or value in excess of four lakhs of rupees up to five lakhs of rupees.	Six and a half per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds five lakhs of rupees, on the part of the amount or value in excess of five lakhs of rupees:	Seven per centum.
		Provided that when, after the grant of a certificate under the Succession Certificate Act, 1889, or under Bombay Regulation VIII of 1827, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.	

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SCHEDULE I—*contd.*

No.	—	—	Proper fee.
10	Certificate under the Succession Certificate Act, 1889.	... ..	The fee leviable in the case of a probate (Article 9) on the amount or value of any debt or secu- rity specified in the certificate under ded under Section and one and a half times the fee on the amount or value of any debt or secu- rity to which the certificate is exten- ded under Section 10 of the Act.
			NOTE.—(1) The amount of a debt is its amount includ- ing interest on the day on which the inclusion of the debt in the certifi- cate is applied for, so far as such amount can be as- certained.
			(2) Whether or not any power with respect to a secu- rity specified in a certificate has been conferred under the Act, and where such a power has been so conferred, whe- ther the power is for the receiving of in- terest or dividends on, or for the nego- tiation or transfer of the security, or for both purposes, the value of the security is its mar- ket value on the day on which the certi- ficate is applied for, so far as such value can be ascertained.
11	Certificate of heirship.	.....	(1) As regards debts and securities, the same fee as would be payable in res- pect of succession certificate or in res- pect of an extension of such a certificate, as the case may be; and

SCHEDULE I—*contd.*

No.	—	—	Proper fee.
11 Certificate of heirship— <i>contd.</i>		.....	<p>(2) As regards other property in respect of which the certificate is granted two per centum on so much of the amount or value of such property as exceeds one thousand rupees.</p> <p>Provided that a certificate granted in accordance with the provisions of Bombay Regulation VIII of 1827 shall be deemed valid and available by the holder thereof for recovering, transferring or assigning any movable or immovable property whereof or whereto, the deceased was possessed or entitled either wholly or partially as a trustee, notwithstanding that the amount or value of such property is not included in the amount or value of the estate in respect of which a Court-fee was paid on such certificate.</p>
<p><sup>1</sup>[12 Remissions in the fees leviable under items 9, 10 and 11 on the property of (i) any person subject to the Naval Discipline Act (29 and 30 Victoria, Chapter 109), the Army Act (44 and 45 Victoria (c) (58), the Air Force Act (7 and 8 Geo. 5 C. 51) or the Indian Army Act, 1911 (VIII of 1911), who is killed or dies from wounds inflicted, accidents occurring or disease contracted while on active</p>		<p>(a) Where the amount or value of property in respect of which the grant of probate or letters of administration is made or which is specified in the certificate under Part X of the Indian Succession Act, 1925, or in the certificate under Bombay Regulation (VIII of 1827, as applied to the said Agency does not exceed Rs. 50,000.</p> <p>(b) Where the said amount or value exceeds Rs. 50,000.</p>	<p><i>Remissions.</i></p> <p>The whole of the fees leviable in respect of that property.</p> <p>The whole of the said fees in respect of the first Rs. 50,000.]</p>

<sup>1</sup> Added by Notifications No. 68, dated the 19th October, 1925 and No. 65, dated the 8th August, 1926. *W. I. S. Agency Gazette*, 1925, p. 244 and *W. I. S. Agency Gazette*, 1926, p. 217 respectively.

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SCHEDULE I—*conold.*

No. ————— Proper fee.

service or on service  
which is of a war-  
like nature or invol-  
ves the same risk as  
active service and (ii)  
any person being a  
Government servant,  
Civil or Military, who  
dies from wounds in-  
flicted while in actual  
performance of his  
official duties or in  
consequence of these  
duties.

NOTE.—Copying and Comparing charges—Two annas per one hundred words  
or fraction of 100 words of English and one anna per hundred words or fraction  
of 100 words of Gujarati as comparing fee, and two rupees as searching fee for  
each year of which the Daftar is searched if the number and date and other neces-  
sary particulars be not accurately specified in the application.

SCHEDULE II.

*Table of rates of ad valorem fees leviable on the institution of suits.*

When the amount or value of the subject-matter exceeds.	But does not exceed.	Proper fee.	When the amount or value of the subject-matter exceeds.	But does not exceed.	Proper fee.
Rs.	Rs.	Rs. A.	Rs.	Rs.	Rs. A.
.....	5	0 6	120	130	9 12
5	10	0 12	130	140	10 8
10	15	1 2	140	150	11 4
15	20	1 8	150	160	12 0
20	25	1 14	160	170	12 12
25	30	2 4	170	180	13 8
30	35	2 10	180	190	14 4
35	40	3 0	190	200	15 0
40	45	3 6	200	210	15 12
45	50	3 12	210	220	16 8
50	55	4 2	220	230	17 4
55	60	4 8	230	240	18 0
60	65	4 14	240	250	18 12
65	70	5 4	250	260	19 8
70	75	5 10	260	270	20 4
75	80	6 0	270	280	21 0
80	85	6 6	280	290	21 12
85	90	6 12	290	300	22 8
90	95	7 2	300	310	23 4
95	100	7 8	310	320	24 0
100	110	8 4	320	330	24 12
110	120	9 0	330	340	25 8
			340		

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SCHEDULE II—*contd.*

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.	When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.
Rs.	Rs.	Rs. A.	Rs.	Rs.	Rs. A.
340	350	26 4	810	820	73 8
350	360	27 0	820	830	74 10
360	370	27 12	830	840	75 12
370	380	28 8	840	850	76 14
380	390	29 4	850	860	78 0
390	400	30 0	860	870	79 2
400	410	30 12	870	880	80 4
410	420	31 8	880	890	81 6
420	430	32 4	890	900	82 8
430	440	33 0	900	910	83 10
440	450	33 12	910	920	84 12
450	460	34 8	920	930	85 14
460	470	35 4	930	940	87 0
470	480	36 0	940	950	88 2
480	490	36 12	950	960	89 4
490	500	37 8	960	970	90 6
500	510	38 10	970	980	91 8
510	520	39 12	980	990	92 10
520	530	40 14	990	1,000	93 12
530	540	42 0	1,000	1,100	101 4
540	550	43 2	1,100	1,200	108 12
550	560	44 4	1,200	1,300	116 4
560	570	45 6	1,300	1,400	123 12
570	580	46 8	1,400	1,500	131 4
580	590	47 10	1,500	1,600	138 12
590	600	48 12	1,600	1,700	146 4
600	610	49 14	1,700	1,800	153 12
610	620	51 0	1,800	1,900	161 4
620	630	52 2	1,900	2,000	168 12
630	640	53 4	2,000	2,100	176 4
640	650	54 6	2,100	2,200	183 12
650	660	55 8	2,200	2,300	191 4
660	670	56 10	2,300	2,400	198 12
670	680	57 12	2,400	2,500	206 4
680	690	58 14	2,500	2,600	213 12
690	700	60 0	2,600	2,700	221 4
700	710	61 2	2,700	2,800	228 12
710	720	62 4	2,800	2,900	236 4
720	730	63 6	2,900	3,000	243 12
730	740	64 8	3,000	3,100	251 4
740	750	65 10	3,100	3,200	258 12
750	760	66 12	3,200	3,300	266 4
760	770	67 14	3,300	3,400	273 12
770	780	69 0	3,400	3,500	281 4
780	790	70 2	3,500	3,600	288 12
790	800	71 4	3,600	3,700	296 4
800	810	72 6	3,700	3,800	303 12

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SCHEDULE II—*contd.*

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.	When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.
Rs.	Rs.	Rs. A.	Rs.	Rs.	Rs. A.
3,800	3,900	311 4	17,500	18,000	1,053 12
3,900	4,000	313 12	18,000	18,500	1,076 4
4,000	4,100	326 4	18,500	19,000	1,098 12
4,100	4,200	333 12	19,000	19,500	1,121 4
4,200	4,300	341 4	19,500	20,000	1,143 12
4,300	4,400	348 12	20,000	21,000	1,173 12
4,400	4,500	356 4	21,000	22,000	1,203 12
4,500	4,600	363 12	22,000	23,000	1,233 12
4,600	4,700	371 4	23,000	24,000	1,263 12
4,700	4,800	378 12	24,000	25,000	1,293 12
4,800	4,900	386 4	25,000	26,000	1,323 12
4,900	5,000	393 12	26,000	27,000	1,353 12
5,000	5,250	408 12	27,000	28,000	1,383 12
5,250	5,500	423 12	28,000	29,000	1,413 12
5,500	5,750	438 12	29,000	30,000	1,443 12
5,750	6,000	453 12	30,000	32,000	1,473 12
6,000	6,250	468 12	32,000	34,000	1,503 12
6,250	6,500	483 12	34,000	36,000	1,533 12
6,500	6,750	498 12	36,000	38,000	1,563 12
6,750	7,000	513 12	38,000	40,000	1,593 12
7,000	7,250	528 12	40,000	42,000	1,623 12
7,250	7,500	543 12	42,000	44,000	1,653 12
7,500	7,750	558 12	44,000	46,000	1,683 12
7,750	8,000	573 12	46,000	48,000	1,713 12
8,000	8,250	588 12	48,000	50,000	1,743 12
8,250	8,500	603 12	50,000	55,000	1,773 12
8,500	8,750	618 12	55,000	60,000	1,803 12
8,750	9,000	633 12	60,000	65,000	1,833 12
9,000	9,250	648 12	65,000	70,000	1,863 12
9,250	9,500	663 12	70,000	75,000	1,893 12
9,500	9,750	678 12	75,000	80,000	1,923 12
9,750	10,000	693 12	80,000	85,000	1,953 12
10,000	10,500	718 4	85,000	90,000	1,983 12
10,500	11,000	738 12	90,000	95,000	2,013 12
11,000	11,500	761 4	95,000	1,00,000	2,043 12
11,500	12,000	783 12	1,00,000	1,05,000	2,073 12
12,000	12,500	806 4	1,05,000	1,10,000	2,103 12
12,500	13,000	828 12	1,10,000	1,15,000	2,133 12
13,000	13,500	851 4	1,15,000	1,20,000	2,163 12
13,500	14,000	873 12	1,20,000	1,25,000	2,193 12
14,000	14,500	896 4	1,25,000	1,30,000	2,223 12
14,500	15,000	918 12	1,30,000	1,35,000	2,253 12
15,000	15,500	941 4	1,35,000	1,40,000	2,283 12
15,500	16,000	963 12	1,40,000	1,45,000	2,313 12
16,000	16,500	986 4	1,45,000	1,50,000	2,343 12
16,500	17,000	1,008 12	1,50,000	1,55,000	2,373 12
17,000	17,500	1,031 4	1,55,000	1,60,000	2,403 12

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SCHEDULE II—contd.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.	When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.
Rs.	Rs.	Rs. A.	Rs.	Rs.	Rs. A.
1,60,000	1,65,000	2,433 12	3,95,000	4,00,000	3,843 12
1,65,000	1,70,000	2,463 12	4,00,000	4,05,000	3,873 12
1,70,000	1,75,000	2,493 12	4,05,000	4,10,000	3,903 12
1,75,000	1,80,000	2,523 12	4,10,000	4,15,000	3,933 12
1,80,000	1,85,000	2,553 12	4,15,000	4,20,000	3,963 12
1,85,000	1,90,000	2,583 12	4,20,000	4,25,000	3,993 12
1,90,000	1,95,000	2,613 12	4,25,000	4,30,000	4,023 12
1,95,000	2,00,000	2,643 12	4,30,000	4,35,000	4,053 12
2,00,000	2,05,000	2,673 12	4,35,000	4,40,000	4,083 12
2,05,000	2,10,000	2,703 12	4,40,000	4,45,000	4,113 12
2,10,000	2,15,000	2,733 12	4,45,000	4,50,000	4,143 12
2,15,000	2,20,000	2,763 12	4,50,000	4,55,000	4,173 12
2,20,000	2,25,000	2,793 12	4,55,000	4,60,000	4,203 12
2,25,000	2,30,000	2,823 12	4,60,000	4,65,000	4,233 12
2,30,000	2,35,000	2,853 12	4,65,000	4,70,000	4,263 12
2,35,000	2,40,000	2,883 12	4,70,000	4,75,000	4,293 12
2,40,000	2,45,000	2,913 12	4,75,000	4,80,000	4,323 12
2,45,000	2,50,000	2,943 12	4,80,000	4,85,000	4,353 12
2,50,000	2,55,000	2,973 12	4,85,000	4,90,000	4,383 12
2,55,000	2,60,000	3,003 12	4,90,000	4,95,000	4,413 12
2,60,000	2,65,000	3,033 12	4,95,000	5,00,000	4,443 12
2,65,000	2,70,000	3,063 12	5,00,000	5,05,000	4,473 12
2,70,000	2,75,000	3,093 12	5,05,000	5,10,000	4,503 12
2,75,000	2,80,000	3,123 12	5,10,000	5,15,000	4,533 12
2,80,000	2,85,000	3,153 12	5,15,000	5,20,000	4,563 12
2,85,000	2,90,000	3,183 12	5,20,000	5,25,000	4,593 12
2,90,000	2,95,000	3,213 12	5,25,000	5,30,000	4,623 12
2,95,000	3,00,000	3,243 12	5,30,000	5,35,000	4,653 12
3,00,000	3,05,000	3,273 12	5,35,000	5,40,000	4,683 12
3,05,000	3,10,000	3,303 12	5,40,000	5,45,000	4,713 12
3,10,000	3,15,000	3,333 12	5,45,000	5,50,000	4,743 12
3,15,000	3,20,000	3,363 12	5,50,000	5,55,000	4,773 12
3,20,000	3,25,000	3,393 12	5,55,000	5,60,000	4,803 12
3,25,000	3,30,000	3,423 12	5,60,000	5,65,000	4,833 12
3,30,000	3,35,000	3,453 12	5,65,000	5,70,000	4,863 12
3,35,000	3,40,000	3,483 12	5,70,000	5,75,000	4,893 12
3,40,000	3,45,000	3,513 12	5,75,000	5,80,000	4,923 12
3,45,000	3,50,000	3,543 12	5,80,000	5,85,000	4,953 12
3,50,000	3,55,000	3,573 12	5,85,000	5,90,000	4,983 12
3,55,000	3,60,000	3,603 12	5,90,000	5,95,000	5,013 12
3,60,000	3,65,000	3,633 12	5,95,000	6,00,000	5,043 12
3,65,000	3,70,000	3,663 12	6,00,000	6,05,000	5,073 12
3,70,000	3,75,000	3,693 12	6,05,000	6,10,000	5,103 12
3,75,000	3,80,000	3,723 12	6,10,000	6,15,000	5,133 12
3,80,000	3,85,000	3,753 12	6,15,000	6,20,000	5,163 12
3,85,000	3,90,000	3,783 12	6,20,000	6,25,000	5,193 12
3,90,000	3,95,000	3,813 12	6,25,000	6,30,000	5,223 12



426 STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—C.—  
*Special Laws applying to the Eastern Kathiawar Agency and  
the Western Kathiawar Agency.*)

SCHEDULE II—*concl'd.*

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.	When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee
Rs.	Rs.	Rs. A.	Rs.	Rs.	Rs. A.
6,30,000	6,35,000	5,253 12	6,95,000	7,00,000	5,643 12
6,35,000	6,40,000	5,283 12	7,00,000	7,05,000	5,673 12
6,40,000	6,45,000	5,313 12	7,05,000	7,10,000	5,703 12
6,45,000	6,50,000	5,343 12	7,10,000	7,15,000	5,733 12
6,50,000	6,55,000	5,373 12	7,15,000	7,20,000	5,763 12
6,55,000	6,60,000	5,403 12	7,20,000	7,25,000	5,793 12
6,60,000	6,65,000	5,433 12	7,25,000	7,30,000	5,823 12
6,65,000	6,70,000	5,463 12	7,30,000	7,35,000	5,853 12
6,70,000	6,75,000	5,493 12	7,35,000	7,40,000	5,883 12
6,75,000	6,80,000	5,523 12	7,40,000	7,45,000	5,913 12
6,80,000	6,85,000	5,553 12	7,45,000	7,50,000	5,943 12
6,85,000	6,90,000	5,583 12	7,50,000	7,55,000	5,973 12
6,90,000	6,95,000	5,613 12	7,55,000	.....	6,000 0

SCHEDULE III.

*Fixed Fees.*

No.	Proper fee.
1 Application or petition.	(a) When presented to any Civil, Political or Criminal Court or to any executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order or of any other document from the record of the Agency. Two annas.
	(b) When containing a complaint or charge of any offence other than an offence for which police officers may under the Code of Criminal Procedure, 1898, arrest without warrant and presented to any Criminal Court. Eight annas.
	<sup>1</sup> (c) When presented to a Civil or Criminal Court or to an executive officer below the rank of a Deputy Political Agent and not otherwise provided for. Eight annas.
	(d) When presented to a Civil, Political or Criminal Court or to an executive officer of the rank of a Deputy Political Agent or to a Political Agent and not otherwise provided for. One rupee.]

<sup>1</sup> Substituted by Notification No. 14, dated the 2nd March, 1925. *W. I. S. Agency Gazette*, 1925, p. 45.

SCHEDULE III—*contd.*

No.		Proper fee.
	(e) When presented to the District Judge in Kathiawar or the Court of the Judicial Commissioner in the Western India States Agency, and not otherwise provided for.	Two rupees.
	(f) When presented to the Judicial Commissioner in the Western India States Agency or the Court of the Judicial Commissioner for the exercise of its powers as a High Court and not otherwise provided for.	Four rupees.
2	Application to any Civil Court that records may be called for from another Court.	One rupee in addition to any fee levied on the application under clause (a) of Article I of the schedule.
3	Application for leave to sue or appeal as a pauper.	One rupee.
4.	Bail-bond or other instrument of obligation in pursuance of an order made by a Court or a Magistrate under the Civil or Criminal Procedure Code or by a Political Court, not otherwise provided for by the rules.	One rupee.
5	Mukhtarnama or Wakalatnama.	When presented for the conduct of any one case:— (a) to any Civil or Criminal Court or any Executive Officer except such as are mentioned in clause (c) of this number. One rupee. (b) to a Political Court. Two rupees. (c) to the District Judge in Kathiawar or Court of the Judicial Commissioner in the Western India States Agency, for the exercise of its powers as a High Court. Three rupees.
6	Memorandum of appeal when the appeal is not from an order rejecting a plaint or from a decree or an order having the force of a decree and is presented.	<sup>1</sup> [(a) to the Court of the Judicial Commissioner in the Western India States Agency. Four rupees.] (b) to the Court of the District Judge in Kathiawar. Three rupees. (c) to any other Court. Two rupees.

<sup>1</sup> Added by Notification No. 69, dated the 5th December, 1927. IV. I. S. Agency Gazette, 1927, p. 385.

428 STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—C.—  
*Special Laws applying to the Eastern Kathiawar Agency and  
the Western Kathiawar Agency.*)

SCHEDULE III—*contd.*

No.		Proper fee.
7	Plaint or memorandum of appeal in a suit to obtain possession of a wife or for conjugal rights.	Five rupees.
8	Plaint or memorandum of appeal in each of the following suits:— (1) to alter or set aside a summary decision or order of any Civil Court; (2) to obtain a declaratory decree where no consequential relief is prayed; (3) to set aside a decree or an award; (4) to set aside an adoption; (5) any other suit where it is not possible to estimate at a money value the subject-matter in dispute and which is not otherwise provided for.	Fifteen rupees.
9	Application under paragraph 17 of the Second Schedule to the Code of Civil Procedure, 1908.	Ten rupees.
10	Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.	Twenty rupees.
11	An appeal from an order under Section 47 of the Code of Civil Procedure, 1908.	Four rupees.
	(a) to the Court of the Judicial Commissioner in revision of its powers of a High Court.	
	(b) to the Court of the District Judge, Kathiawar.	Three rupees.]

<sup>2</sup>[SCHEDULE IV.

*Schedule of fees on all applications or appeals made to the Agent to the Governor General and not otherwise provided for.*

No.		Proper fee.
1	Application or petition (a) When presented for the purpose of obtaining a certified copy of any judgment or order.	Eight annas.

<sup>1</sup> Added by Notification No. 69, dated the 5th December, 1927. *W. I. S. Agency Gazette*, 1927, p. 385.

<sup>2</sup> Added by Notification No. 32, dated the 3rd May, 1926. *W. I. S. Agency Gazette*, 1926, p. 104.

SCHEDULE IV—*contd.*

No.		Proper fee.
	(b) When presented to the Hon'ble the Agent to the Governor-General in the Western India States Agency, and not otherwise provided for.	Two rupees.
	(c) When presented to the Hon'ble the Agent to the Governor-General in the Western India States Agency for the exercise of his powers as a Political, Appellate or Revisional Court or for a review of judgment and not otherwise provided for.	Four rupees.
2	Mukhtarnama or Vakalatnama, When filed in the Court of the Hon'ble the Agent to the Governor-General in the Western India States Agency.	Three rupees.]

[*Gazette of India, Extraordinary, 1924, p. 364.*]

*Giras Court Rules (lesser Talukas), 1926.*

*No. 21, dated the 17th April, 1926.*—In exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>1</sup> of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf, the Hon'ble the Agent to the Governor General in the States of Western India is pleased, in supersession of the Western India States Agency Notification No. 6, dated the 4th February, 1926, to prescribe with effect from the date of this Notification the following revised rules for the disposal of Giras Cases arising in Talukas except the States and Talukas named in the Schedule.

*Definitions.*

1. *Giras Cases.*—For the purposes of these rules Giras Cases are those arising out of disputes relating to land or other rights between Mulgirassias or Bhayats on the one side and Talukdars or Shareholders in co-shared estates on the other.

2. *Mulgirassia.*—By the term Mulgirassia is meant the original proprietor or the descendant of the original proprietor of a village or villages or portion of a village or villages who has made over a village or villages or portion of a village or villages or a portion of his ancient

rights over a village or villages or portion of a village or villages as Mulgirassia to the Chief, retaining to himself another portion or certain rights therein.

Within the term Mulgirassia shall also be included, for the purpose of the proposed arrangement, Girassias holding or claiming to hold rights which in the judgment of the Court are similar to those of Mulgirassias

3. *Bhayat*.—For the purposes of these rules a Bhayat is a cadet or the descendant of a younger branch of the Talukdar's family, where the estate follows the rule of primogeniture.

4. *Court*.—The word " Court " means :—

(1) The Court of the Political Agent, Western Kathiawar States, sitting with two assessors in respect of cases arising in Talukas, except those named in the Schedule, in direct political relations with him.

(2) The Court of the Political Agent, Eastern Kathiawar States, sitting with two assessors in respect of cases arising in Talukas, except those named in the Schedule, in direct political relations with him.

5. The Political Agent shall try the cases referred to in rules 11, 12 and 14 with the assistance of two experienced Revenue Officials to be selected by him from a list of State officials approved by him, and who shall be unconnected with the parties to the dispute.

6. The Political Agent is at liberty to refer for the opinion, with or without a hearing, of the District Judge, Kathiawar, either the whole case or any point in a case which in his opinion requires judicial investigation.

7. *Scope of the rules*.—In estates which follow the rule of primogeniture, disputes between the Bhayats or Mulgirassias on the one hand and Darbars on the other will be heard under these rules, while in those estates which do not follow the rule of primogeniture the claims of Mulgirassias only will be heard under these rules as against the shareholder.

8. These rules do not apply to disputes between shareholders *inter se* in co-shared estates. Nor do they apply to disputes between a Bhayat or Mulgirassia on the one part and a Bhayat or Mulgirassia or other person on the other part, which shall be disposed of by the Civil Courts, provided always that these rules shall apply to any case in which the claimant establishes to the satisfaction of the Court that the Talukdar or one of his principal officers has a substantial interest in the case, whether immediate or contingent.

9. The claims of persons (not being Bhayats) holding or claiming to hold rights on account of "Chakariat" (in consideration of service to be rendered), on account of Inam (in consideration of past service or under grant or gift), on account of Dharmada (under a grant for religious purposes) and on other personal tenures, which in the judgment of the Court are similar to those set forth in this rule, shall not be heard under these rules, but shall be heard by and disposed of by the Civil Courts, nor shall these rules apply to mortgagees, sub-tenants or assignees of Bhayats or Mulgirassias, whose claims shall be heard and disposed of by the Civil Courts, but not so as to affect any claims cognizable under these rules.

10. The onus of proving that a plaintiff is a Bhayat or Mulgirassia shall rest on the claimant.

#### *Procedure.*

11. Giras Cases will be heard and disposed of in the following manner:—

A survey of the holdings of the Bhayats and Mulgirassias shall be made by the Executive Engineer, Western India States Agency, at the cost of the parties and under the Rajasthanik Court Survey Rules and a map thereof shall be sent to the Political Agent concerned.

- (a) Where there is no dispute as to areas, the Political Agent shall summon the parties and satisfy himself that they understand and agree to the map, a copy of which shall then be supplied to each of them, and a third copy shall be filed in the Agency Records together with a register of the lands, a remark being entered in the map in the handwriting and under the signature of the Political Agent that the parties have appeared and accepted the map and register.
- (b) Where there is a dispute regarding land, the Executive Engineer, Western India States Agency, shall forward with the map of the disputed land the field-books and all necessary information to the Political Agent concerned (furnishing each party on application with a copy thereof), who shall then call upon the Bhayat or Mulgirassia to file a statement of his claim. Should the matter in dispute be within the civil jurisdiction of the Talukdar, the case shall be forwarded to the Talukdar for disposal, subject to appeal to the Agency, in other cases the Political Agent shall proceed to dispose of the suit on the original side.

12. In regard to claims other than land the Political Agent shall call upon each side to submit a statement of their rights and shall compile therefrom a *Hak Patrak*, which shall be forwarded to the Darbar with a view to the latter offering the Mulgirassia or Bhayat a settlement. Should the settlement not be accepted, the Court will proceed to hear the parties and to pass an award on each item of the *Hak Patrak*.

13. The Political Agent may reject any petition or require it to be amended when on the face of it it appears that the claim is not within the Court's jurisdiction or is contrary to these rules.

14. If a Bhayat or Mulgirassia is dissatisfied with the settlement of a land case or other rights recorded in the *Hak Patrak* by the Talukdar, he may appeal to the Political Agent within a period of 90 days from the date of the award or offer of settlement of the Talukdar, and the Political Agent shall then proceed to inquire into and settle the dispute as hereinafter provided.

15. Should the President and the Assessors be unanimous in deciding the cases referred to in Rules 11, 12 and 14, the former shall record a decision with the reasons on which it is based and it shall then have the force of an award.

16. Should the President and the Assessors differ in opinion the former shall record his decision and attach thereto the opinion of the Assessors; but the President's decision shall be the award of the Court.

17. When a decision has been passed under Rules 15 and 16, an entry in accordance with such decision shall be made in the register under the signature of the Political Agent.

18. An appeal against the award of the Court under Rules 15 and 16 shall lie to the Agent to the Governor General whose decision shall be final.<sup>1</sup>

<sup>1</sup>[18A. All appeals preferred under Rule 18 shall be submitted to the Political Agent against whose award they are made, with two spare copies of the memorandum of appeal and the authenticated copy of the award together with certified translations of all documents on which the suit was based, or which are relied on in the appeal.]

19. On the consent of both parties any case may be referred to a Panchayat for settlement. The award of the Panchayat shall be filed before the Political Agent concerned and any objections which may be raised to the award by the parties within one month shall be heard and disposed of by the Court.

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<sup>1</sup> Added by Notification No. 37, dated the 25th July, 1927. *W. I. S. Agency Gazette*, 1927, p. 224.

20. No case in which Government or the Political Agency has passed a final decision, or in which a settlement has been made with the free consent of both parties or by a Panchayat appointed by both parties, shall be re-opened. Provided that if the previous order or award has left any point undetermined, such point may be inquired into under these rules to supply the defect.

21. The year 1850 shall be the limitation year for inquiries under these rules, and the status and rights existing prior to that year shall not be disturbed.

22. In inquiries under these rules the *Muluk Shiresta* or local usage and the decisions of the Rajasthanik Court in any similar cases shall be taken into consideration as well as the general principles of equity and of the Law of Evidence.

23. All previous records relating to any case tried under these rules may be admitted as evidence for what they are worth.

24. Barristers, advocates and pleaders may be admitted to plead in inquiries held under these rules at the discretion of the Political Agent, but no fees will be treated as costs in the case.

#### *Fees.*

25. The Court fees payable on the institution of a complaint under these rules will be calculated according to the rules of the Agency, and paid into the Consolidated Fund.

26. It will be open to the Court to adjudge costs in its decision on the termination of the case.

27. When a case is amicably settled before issues are framed, a refund of half the fees may be made at the discretion of the Court.

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#### *The Schedule.*

Junagadh.	Palitana.
Nawanagar.	Dhrol.
Bhavnagar.	Limbdi.
Porbandar.	Rajkot.
Dhrangadhra.	Wadhwan.
Morvi.	Lakhta.
Gondal.	Sayla.
Jafrabad.	Chuda.
Wankaner.	Vala.



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Jasdan.	Malia.
Manawadar.	Kotda-Sangani.
Thana-Devli.	Darbar Shri Mulu Surag of Jetpur.
Vadia.	
Lathi.	Darbar Shri Kanthad Naja of Jetpur-Bilkha.
Muli.	
Bajana.	Patdi.
Virpur.	

[*W. I. S. Agency Gazette*, 1926, p. 85.]

*Giras Court Rules (Major States), 1926.*

No. 22, dated the 17th April, 1926.—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council, in the Notification<sup>1</sup> of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf, the Hon'ble the Agent to the Governor General in the States of Western India is pleased in supersession of the Western India States Agency Notification No. 5, dated the 4th February, 1926, to prescribe with effect from the date of this Notification the following revised rules for the disposal of appeals against the decisions of the States and Talukas named in Schedule A in disputes relating to Giras arising between them and their Bhayats and Mulgirassias.

I.—COURT.

All appeals against the decisions of the States and Talukas named in Schedule A in disputes relating to Giras and arising between them and their Bhayats and Mulgirassias shall lie to the Court of the Agent to the Governor General.

2. The Agent to the Governor General may, at his discretion, refer to the Judicial Commissioner for hearing or report either the whole of any such appeal or any point arising therein which he considers to require judicial investigation.

II.—APPEALS.

3. A further appeal from the appellate decision of the Agent to the Governor General under Rule 1 shall lie to the Governor General in Council.

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<sup>1</sup> Printed *supra*, p. 158.

### III.—LIMITATION.

#### *A. Appeals to the Court of the Agent to the Governor General.*

4. The period for presenting appeals to the Court of the Agent to the Governor General from the decisions of the Courts of the States and Talukas shall be limited to 90 days with the same qualifications as to the calculation of the period as apply to civil cases.

#### *B. Appeals to the Governor General in Council.*

5. The period for presenting appeals to the Governor General in Council from the decisions of the Courts of the Agent to the Governor General shall be limited to six months with the same qualifications as to the calculation of the period as apply to civil cases. The period of six months may, however, at the discretion of the Agent to the Governor General be extended to twelve months, if the delay will facilitate a settlement of the case or other good cause is shown.

#### *C. Reviews.*

6. All applications for review of the decision of the Agent to the Governor General or the Governor General in Council shall be governed by a like limitation and shall be limited to cases in which:—

- (i) the judgment or decision is appealable, but no appeal has been made, and,
- (ii) there is no further appeal;

and in every case sufficient cause shall be shown for entertaining the application. !

### IV.—MANNER OF SUBMITTING APPEALS AND REJOINDERS.

7. (a) Appeals against the decisions of the Courts of States and Talukas shall be submitted in triplicate to the Court of the Agent to the Governor General.

(b) Appeals to the Governor General in Council shall be submitted, with four spare copies, to the Court of the Agent to the Governor General.

8. All appeals should be accompanied by authenticated copies of the judgments and decisions of the Lower Courts and by certified translations of any documents which may be relied on in appeal.

9. The Agent to the Governor General when submitting appeals to the Governor General in Council shall not call upon the respondent to

submit a rejoinder to the appeal until it has been asked for by the Governor General in Council. If the Governor General in Council calls for a rejoinder, the Agent to the Governor General shall cause one copy of the grounds of appeal to be served on the respondent, with a notice requiring him to submit any reply he may wish to make to him in duplicate and within 30 days from the service of such notice, provided that such time may be extended to sixty days at the discretion of the Agent to the Governor General.

*Schedule A.*

Junagadh.	Chuda.
Nawanagar.	Vala.
Bhavnagar.	Jasdan.
Porbandar.	Manawadar.
Dhrangadhra.	Thana-Devli.
Morvi.	Vadia.
Gondal.	Lathi.
Jafrabad.	Muli.
Wankaner.	Bajana.
Palitana.	Virpur.
Dhrol.	Malia.
Limbdi.	Kotda-Sangani.
Rajkot.	Darbar Shri Mulu Surag of Jetpur.
Wadhwan.	Darbar Shri Kanthad Naja of Jetpur-Bilkha.
Lakhtar.	Patdi.
Sayla.	

[*W. I. S. Agency Gazette*, 1926, p. 87.]

(*Agency Courts vested with appellate powers over the decision of the  
Vasavad Taluka.*)

*No. 41, dated the 8th June, 1926.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>1</sup> of the Government of India in the Foreign and Political Department No. 472-I. of 3rd October, 1924, and of all other powers enabling him in this behalf the Hon'ble the Agent to the Governor General in the States

of Western India is pleased in supersession of previous orders on the subject to make the following rules regarding the disposal of appeals from the decisions of the Nyayadhish exercising jurisdiction in the Vasavad Taluka:—

*A. Civil Cases.*

1. In all Civil Cases there shall be an appeal from the decision of the Nyayadhish to the Court of the District Judge, Kathiawar.
2. Where under the law for the time being in force a second appeal lies against the decision of the District Judge, it shall lie to the Judicial Commissioner in the States of Western India.
3. The Judicial Commissioner may call for the record of any non-appealable case from the Court of the District Judge for purposes of revision.
4. Civil appeals arising from the Vasavad Taluka shall be governed by the Kathiawar Agency Civil Courts Rules as contained in the Government of India Notification No. 477-I. of 3rd October, 1924.

*B. Criminal Cases.*

5. Subject to the rules contained in the Kathiawar Agency Criminal Courts Rules as contained in Government of India Notification No. 479-I. of 3rd October, 1924, appeals from the decisions of the Nyayadhish in Criminal Cases shall lie to the Sessions Judge, Kathiawar. The Judicial Commissioner shall exercise the powers of a High Court under section 439 of the Code of Criminal Procedure.

[IV. I. S. Agency Gazette, 1926, p. 133.]

*Appeals from decisions of the Nyayadhish in the Bantwa Taluka.*

No. 40, dated the 8th June, 1926.—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>1</sup> of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf, the Hon'ble the Agent to the Governor General in the Western India States Agency is pleased to make the following rules regarding the disposal of appeals from the decisions of the Nyayadhish exercising jurisdiction in the Bantwa Taluka:—

*A. Civil Cases.*

1. In all Civil Cases there shall be an appeal from the decision of the Nyayadhish to the Court of the District Judge, Kathiawar.

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<sup>1</sup> Printed *supra*, p. 153.

2. Where under the law for the time being in force a second appeal lies against the decision of the District Judge, it shall lie to the Judicial Commissioner in the States of Western India.
3. The Judicial Commissioner may call for the record of any non-appealable case from the Court of the District Judge for purposes of revision.
4. Civil appeals arising from the Bantwa Taluka shall be governed by the Kathiawar Agency Civil Courts Rules as contained in the Government of India Notification No. 477-I. of 3rd October, 1924.

*B. Criminal Cases.*

5. Subject to the rules contained in the Kathiawar Agency Criminal Courts Rules as contained in Government of India Notification No. 479-I. of 3rd October, 1924, appeals from the decisions of the Nyayadhish in Criminal Cases shall lie to the Sessions Judge, Kathiawar. The Judicial Commissioner shall exercise the powers of a High Court under section 439 of the Code of Criminal Procedure.

[*W. I. S. Agency Gazette*, 1926, p. 133.]

*Rules for the management of the Majmu affairs of the Jetpur Taluka,  
1926.*

No. 87, dated the 18th September, 1926.—*Preamble.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>1</sup> of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf, the Hon'ble the Agent to the Governor General in the States of Western India is pleased to make the following revised Rules for the Constitution of the Jetpur Taluka Court and the management of the Majmu affairs of the Jetpur Taluka in the Western Division of Kathiawar :—

1. *Title.*—These Rules shall be entitled “ The Rules for the Constitution of the Jetpur Taluka Court and for the management and control of the Majmu affairs of the Jetpur Taluka ”.

*Extent.*—They shall extend to the whole of the area known as the Majmu Taluka of Jetpur.

*Commencement.*—They shall come into force from the date of publication in the *Western India States Agency Gazette*.

2. *Rules repealed.*—The Rules published under Agency Notification No. 73, dated the 28th November, 1922, are hereby repealed.

3. *Jetpur Taluka Court.*—For the purpose of these Rules there shall be constituted a Court to be designated as the Jetpur Taluka Court.

4. *Constitution of the Jetpur Taluka Court.*—The Jetpur Taluka Court shall consist of three members as follows:—

- (a) One member representing shareholders possessing jurisdiction higher than that formerly known as the Vth Class, to be designated a “ Talukdar Member ”.
- (b) One member representing the remaining shareholders, to be designated a “ Talukdar Member ”.
- (c) One member of the Court to be designated the “ Judicial Officer ”.

5. *Powers of the Jetpur Taluka Court.*—The Jetpur Taluka Court shall be competent to exercise the jurisdictional powers which vest in the Majmu Taluka, and shall, in this and all other respects, occupy a position in the Majmu Taluka analogous to that of a jurisdictional Talukdar in the Western India States Agency, exercising the powers formerly known as the Vth Class in his Swang estate, subject to the Rules herein below laid down.

6. *Appointment of Talukdar Members.*—(i) The Talukdar Member referred to in foregoing Rule 4 (a) shall be, by rotation, one of the shareholders concerned according to the seniority of his Taluka provided:—

*Firstly* that no shareholder who is considered by the Hon'ble the Agent to the Governor General in the States of Western India to be unsuitable, shall be eligible, and

*Secondly* that Darbar Shri Vala Mulu Surag shall be the first member representing these shareholders.

(ii) The Talukdar Member referred to in foregoing Rule 4 (b) shall be elected from among the remaining jurisdictional shareholders provided:—

*Firstly* that no shareholder who is considered by the Hon'ble the Agent to the Governor General to be unsuitable shall be eligible, and

*Secondly* that the first member under the revised constitution shall be a Virani.

7. *Procedure for election.*—All shareholders whether jurisdictional or non-jurisdictional shall be entitled to participate in the election. The

election shall be made by a majority of votes alternately from the Virani and Jaitani Sections. The shareholders eligible for election under foregoing Rule 6 (ii) shall be asked by the Jetpur Taluka Court to intimate their willingness to stand as candidates and the names of candidates thus ascertained shall be communicated by the Court to all the shareholders entitled to participate in the election and to the Political Agent, Western Kathiawar States. A meeting of electors shall thereupon be convened by the Political Agent who shall be the Chairman of the meeting. Shareholders present at the meeting shall be required to give their votes by ballot while those unable to be present at the meeting will be allowed to record their votes in writing in the form of a letter sealed in a cover and addressed to the Political Agent.

8. *Period of appointment of a Talukdar Member.*—Each Talukdar Member shall hold office for a period of three years with the exception of Darbar Shri Vala Mulu Surag who shall be a life member.

9. *Appointment of a Talukdar Member owing to a vacancy.*—(a) In the event of a vacancy occurring due to the expiration of the period of three years referred to in foregoing Rule 8, death, resignation or any other cause, it shall be filled as provided in the foregoing Rules 6 and 7 and the member thus appointed shall hold office for the full period of three years as provided in foregoing Rule 8.

(b) A Talukdar Member shall be eligible, on completion of his term of office, to continue in office for a further period of three years in the event of there being no other suitable candidate willing to serve.

10. *Appointment of Judicial Officer.*—The member of the Court designated the Judicial Officer shall be selected at a general meeting of all the shareholders from the Agency Officers of the cadre of the Deputy Political Agents or of the permanent non-gazetted establishment of the Western India States Agency possessing adequate experience and qualifications. The selection shall be subject to the approval of the Political Agent and shall require the sanction of the Hon'ble the Agent to the Governor General in the States of Western India. The appointment shall usually be for a term of 3 years and shall be notified in the *Western India States Agency Gazette*.

11. *Absence of members.*—A member of the Jetpur Taluka Court shall not leave Kathiawar without informing the Political Agent. If the two Talukdar Members of the Court are absent from Kathiawar at the same time, the Judicial Officer shall be empowered to dispose of all current business for the period of the absence of the Talukdar Members.

12. *Judicial work of Jetpur Taluka Court.*—(a) All appeals and revision applications, both civil and criminal, shall be heard by all the

three members of the Court sitting together or by two members of whom the Judicial Officer shall be one, or by the Judicial Officer alone. Dates of hearings shall be fixed by the Judicial Officer who shall always give intimation of the same to the other two members to enable them to be present, unless circumstances of great urgency render this impossible, in which case he shall record his reasons in writing.

(b) In case of disagreement among the members, the view of the majority shall prevail. In case of disagreement in a Court of two members, the decision of the Lower Court shall be confirmed.

(c) In all cases the decision shall be given and signed by the members or member responsible therefor.

(d) In any case in which a member has an interest either personal or as a Chief or Talukdar, he shall be debarred from participation in proceedings thereanent in his capacity as a member.

13. *The Headquarters of the Jetpur Taluka Court.*—The business of the Taluka Court shall ordinarily be transacted at Jetpur. In judicial cases, the Court shall not sit in any place outside the area of its jurisdiction. In cases in which a hearing is not required and discussion is unnecessary, the papers may be circulated among the members.

14. *Powers of the Political Agent, Western Kathiawar States, in judicial work.*—The judicial records of the Courts, including those of appeal, and revision cases shall be open to annual inspection by the Political Agent, and the Political Agent shall be at liberty to call for the papers of any case at any time for perusal and to revise or set aside the decisions of the Court or advise the Court as circumstances may require.

15. *Subordinate Courts.*—The Courts subordinate to the Jetpur Taluka Court shall be the Court of the First Class Magistrate, and Civil Judge, Jetpur, and the Courts of Thandars at Jetpur, Chital, Bilkha and Mendarda. Any of these Courts may be dispensed with or its constitution varied by unanimous decision of the full Court of three members subject to the approval of the Political Agent. The Thandars shall exercise the criminal powers of a Second Class Magistrate and civil powers up to Rs. 250, and perform the miscellaneous duties of executive officers. The appointment of Thandars shall rest with the members, while that of the 1st Class Magistrate and Civil Judge shall rest with the members subject to the approval of the Political Agent.<sup>1</sup> [It shall be within the discretion of the Jetpur Taluka Court to invest the First Class Magistrate with the summary powers provided for under

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<sup>1</sup> Substituted by Notification No. 100, dated the 8th November, 1926.—*W. I. S. Agency Gazette*, 1926, p. 334.



section 260 of the Criminal Procedure Code and the powers of a Small Cause Court up to the limit of Rs. 200 for the town of Jetpur].

16. *Powers and duties of Judicial Officer.*—In addition to his duties as a member of the Court, the Judicial Officer shall be the Chief Executive Officer of the Court and shall exercise the powers and execute the duties detailed below :—

- (a) He shall inspect the judicial records of the subordinate Courts and ensure the punctual submission of all returns.
- (b) He shall explore the possibility of adding to and increasing revenues from such sources as Abkari, taxes, etc., with a view to reducing the incidence on the shareholders' revenues of the Varad leviable from them. He shall assess the amount of Varad to be recovered from the shareholders at the time of framing the budget and shall fix the date of payment of the same.
- (c) He shall effect recoveries of the Varad, and, if and when necessary, shall obtain from the Political Agent orders for recovery by attachment, and execute such orders himself.
- (d) In order to secure despatch in the conduct of work, he shall dispose of all correspondence of a routine nature and pass orders in his executive capacity in matters pertaining to road repairs, schools, Majmu buildings, etc., and in the event of non-compliance within a reasonable time, by the shareholders concerned, obtain the orders of the Political Agent where it may be necessary to do so.
- (e) He shall manage municipal affairs and shall be President of any Municipal Committee which may be appointed by the Court. He shall administer budget grants which will already have received the assent of the Taluka Court in regard to municipal matters.
- (f) In respect of revenue recoveries, he shall dispose of all references which may be made at the instance of the shareholders. He shall, as in the case of details connected with subordinate Judicial Courts, institute a regular procedure to be followed in future by those Courts with a view to minimise the delay and inconveniences of past practice, and he shall arrange for the periodical submission to him of statements regarding revenue recoveries from subordinate Courts. He will moreover be generally responsible for the expeditious disposal of all revenue matters.
- (g) In matters of a miscellaneous political nature in which the Taluka Court has no jurisdiction, he shall grant or refuse

injunctions by executive orders prohibiting the doing of acts under objection pending orders of a competent Court. He shall be competent in this behalf to decide if necessary whether the question at issue is within the jurisdiction of the Jetpur Taluka Court or within the competence of other Civil or Political Courts; and, subject to such consideration by the Agency as is in practice bestowed on applications contesting orders of the Jetpur Taluka Court in such matters, the orders passed by him shall be final.

17. *Varads.*—The necessary funds for carrying on the administration of the Majmu Taluka shall be provided for as under:—

- (a) From existing sources of revenue such as Abkari, taxes, etc.
- (b) From an annual Varad to be levied from all the shareholders in proportion to their shares in the Taluka, in so far as the sources of revenue mentioned in (a) above do not suffice to meet the financial requirements of the administration.

NOTE.—If Varads are not paid on the fixed date interest shall be charged at 12 per cent. per annum. Applications for suspensions or remissions of Varads should be submitted to the Judicial Officer not later than the beginning of February and submitted by him to the Political Agent by the 1st March and final orders for recovery or otherwise shall be passed by the Political Agent before the 15th March.

18. *Budget.*—The financial year of the Jetpur Majmu Taluka shall commence from the 1st November of each year and end on 31st October of the subsequent year. The annual budget shall be prepared not later than 15th September of each year and approved by the Court. It shall be submitted to the shareholders within a week of its approval and the shareholders will appoint a Committee of three members to examine and report to a general meeting of shareholders within one further week. This meeting will submit its criticisms to the Judicial Officer who will submit the same to the Court, after recording his opinion in writing on each point, and the Court will decide on these points and communicate its decision to the shareholders within a week. A majority of the shareholders may submit to the Political Agent a protest against such decision within a fortnight after the decision is communicated to them and the Political Agent will advise the Court as he deems fit. If no protest is received within the time fixed the budget shall be shown to the Political Agent for his information and passed on return by him. The budget shall, if possible, be passed before the 31st October each year.

19. *Re-appropriations.*—The Taluka Court shall, unless in cases of special emergency, not authorise any expenditure beyond the total provided for in the budget. The Judicial Officer shall carry out the pro-

visions of the budget and shall be competent to sanction re-appropriations from one minor head to another minor head under the same major head. Re-appropriations from one major head to another major head or from the general balance shall not be made without the sanction of all the members of the Court, and in the case of a difference of opinion among the members, a reference shall be made to the Political Agent when a majority is in favour of a re-appropriation.

20. *Treasury*.—The Treasury Office shall be separated from the judicial and executive office of the Court and accounts shall be kept as may be directed by the Judicial Officer and all bills will be cashed under his signature.

21. *Audit*.—There shall be an annual audit of Taluka Accounts and the appointment of an auditor shall be made by a majority of votes at the general meeting of the shareholders convened for the discussion of the draft budget. The Auditor should be an expert and a disinterested person. The audit report with an explanatory memorandum by the Taluka Court shall be printed and copies supplied to each shareholder and to the Political Agent.

22. *Appointment, etc., of subordinate staff*.—Appointments and promotions to establishments under the Jetpur Taluka Court not otherwise provided for, shall rest with the members subject ordinarily, in respect of any increase in expenditure thereby caused, to objections by the shareholders at the time of budget discussion. In special cases not provided for in the budget, such expenditure may be incurred with the unanimous consent of all the members subject to the approval of the Political Agent.

[*W. I. S. Agency Gazette*, 1926, p. 269.]

*Kathiawar Motor Vehicles Rules, 1926.*

*No. 98, dated the 1st November, 1926*.—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the 'Notification of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf, the Hon'ble the Agent to the Governor General in the States of Western India is pleased to prescribe the following Rules to regulate the traffic of motor vehicles within the limits of Kathiawar in the Western India States Agency:—

1. *Short title*.—These Rules may be called the "Kathiawar Motor Vehicles Rules, 1926".

PART I.—GENERAL.

2. *Operation and extent.*—These Rules shall extend to the Civil Stations and Agency areas in Kathiawar and shall come into force on such date<sup>1</sup> as the Agent to the Governor General in the States of Western India may by notification direct, provided that the penalties prescribed for any breach of the said Rules shall not be enforced until a period of three months from the coming into force of these Rules shall have elapsed.

3. *Definitions.*—“ Motor vehicle ” includes a vehicle, carriage or other means of conveyance propelled or which may be propelled on a road by electrical or mechanical power either entirely or partially.

‘ Public place ’ means a road, street, way or other place whether a thoroughfare or not, to which the public are granted access, or over which they have a right to pass.

‘ Prescribed ’ means prescribed under these Rules.

4. *Persons under 18 prohibited from driving motor vehicles.*—(1) No person under the age of 18 years shall drive a motor vehicle in any public place.

(2) No owner or person in charge of a motor vehicle shall allow any person under the age of 18 years to drive the same in any public place; and in the event of a contravention of sub-rule (1) a Court may presume that the motor vehicle was driven with the consent of the owner or person in charge.

5. *Duties of drivers.*—The person in charge of a motor vehicle shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary:—

- (a) When required to do so by any police officer for the purpose of regulating traffic or of ascertaining his name and address with a view to prosecuting such person under these Rules or for any purpose connected with the enforcement of the provisions of these Rules, or such other rules as may be hereafter notified,
- (b) When required to do so by any person having charge of any animal if such person apprehends that the animal is, or will be alarmed by the motor vehicle, or
- (c) When he knows, or has reason to believe, that an accident has occurred to any person or to any animal or vehicle in charge of a person owing to the presence of the motor vehicle and he shall also, if so required, give his name

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<sup>1</sup> These rules came into force with effect from 1st December, 1926.

and address and the name and address of the owner of such motor vehicle,

- (d) The driver of a motor vehicle shall immediately report to the nearest police station any accident involving injury to a human being. In cases where more vehicles than one are concerned it shall be incumbent on the driver of each motor vehicle to make the report required under this Rule.

6. *Reckless driving.*—Whoever drives a motor vehicle in a public place recklessly or negligently or at a speed or in a manner which is dangerous to the public having regard to all the circumstances of the case including the nature, condition and use of the place, and the amount of traffic which actually is at the time or which might reasonably be expected to be, in the place, shall on conviction be punishable with a fine which may extend to 100 rupees.

## PART II.—LICENSING AND CONTROL.

7. *Registration of motor vehicles.*—Every owner of a motor vehicle<sup>1</sup> [excepting the persons exempted under Rule 22] who is for the time being residing within the area to which these Rules apply shall before allowing it to be driven in any public place obtain from the Political Agent having jurisdiction a Registration Certificate in Form B of the Second Schedule appended to these Rules.

All applications for a Registration Certificate shall be made in writing in Form A of the said Schedule and shall be accompanied by the sum prescribed for registration.

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8. *Transfer of registration.*—Every transfer of ownership of a motor vehicle [registered under these Rules]<sup>2</sup> shall be notified to the Political Agent and an application for a transfer of registration certificate shall be made to him with a tender of the prescribed transfer fee: and no motor vehicle the ownership of which has been transferred shall be driven in any public place for more than 15 days after the transfer in the absence of such an application by the transferee.

9. *Driving licenses.*—No person shall drive a motor vehicle in a public place unless he is licensed to do so, and no owner or person in charge of a motor vehicle shall allow any person not so licensed to drive it.

<sup>1</sup> Inserted by Notification No. 59, dated the 23rd July, 1928. *W. I. S. Agency Gazette*, 1928, p. 202.

<sup>2</sup> Omitted and inserted by Notification No. 113, dated the 23rd December, 1926. *W. I. S. Agency Gazette*, 1926, p. 379.

Provided that this Rule shall not apply to a person receiving instruction in driving a motor vehicle who holds a temporary license to do so granted under these Rules and is, while driving such vehicle, accompanied by a fully licensed driver.

<sup>1</sup>[Provided also that this rule shall not apply (a) to Officers of the Agency exempted under Rule 22 (ii) and (b) to drivers of motor vehicles owned by persons exempted under Rule 22 (i) (such vehicles bear a red identification plate with white numbers and letters).]

10. The holder of a license shall not allow it to be used by any other person.

11. *Applications for licenses.*—Every person wishing to obtain a motor driving license shall make an application in writing in this behalf to the Political Agent having jurisdiction accompanied by the prescribed fee and in respect of motor vehicles let or plying for hire to such other Agency Officer as may be empowered by the Local Government in this behalf and may be required to satisfy the Political Agent or such other Agency official as the Political Agent may direct (or the Local Government may empower) of his proficiency as a driver.

12. Every application for a license to drive a motor vehicle shall be made in Form D in the Second Schedule to these Rules.

*Learner's licenses.*—Provided that on an application in writing as far as may be in the terms of Form D the Political Agent (and in the case of motor vehicles let or plying for hire such other Agency official as may be empowered by the Local Government in that behalf) may issue to any person on payment of the prescribed fee a 'learner's license' so endorsed and in Form E of the Second Schedule to these Rules, valid for 3 months only.

13. *Renewal of licenses.*—All licenses to drive a motor vehicle issued under these Rules shall have effect for one calendar year and shall then be renewable at the discretion of the Political Agent or in the case of motor vehicles let or plying for hire such other Agency officer as may be empowered by the Local Government in that behalf on payment of the prescribed fee.

14. *Suspension and cancellation of licenses.*—(i) The Political Agent, or in the case of motor vehicles let or plying for hire such other Agency officer as may be empowered by the Local Government in that behalf may in his discretion—

(1) cancel or suspend any license granted under these Rules,

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<sup>1</sup> Inserted by Notification No. 59, dated the 23rd July, 1928. *W. I. S. Agency Gazette*, 1928, p. 202.

(2) declare any person disqualified for obtaining a license under these Rules either permanently or for such period as he thinks fit.

(ii) Any Court by which any person is convicted of an offence under these Rules shall, if such person holds a license under these Rules (or a license granted by any authority in British India or any Native State) cause particulars of the conviction to be endorsed thereon.

(iii) Any Court before which the holder of a license under these Rules is accused of any offence mentioned in sub-section (2) may suspend such license until the termination of the proceedings before it.

(iv) A copy of any order of cancellation, suspension or disqualification under this section in respect of a license or the holder of a license shall be endorsed on the license and a copy of every endorsement, in accordance with the provisions of this section, shall be sent to the authority by which such license has been granted.

(v) Every holder of a license shall, when called upon to do so, produce his license before any authority acting under this section.

(vi) A person whose license has been cancelled or suspended in accordance with the provisions of this section, shall, during the period for which such order of cancellation has effect, or during the period of suspension as the case may be, be disqualified for obtaining a license.

(vii) No person whose license has been endorsed or who has been disqualified for obtaining license shall apply for, or obtain, a license without giving particulars of such endorsement or disqualification.

15. *Identification plates: Driving at night.*—Every motor vehicle registered under these Rules, shall, when being driven in any public place bear identification plates at the front and rear of the vehicle showing the numbers and letters prescribed for the class of its owner and its description in the First Schedule to these Rules. No motor vehicle shall be driven in any public place half an hour after sunset and before sunrise without,

(a) in the case of a four wheeled vehicle, two headlights and one red rear light,

(b) in the case of a vehicle with less than 4 wheels, one headlight and one red rear light.

The headlights must be sufficiently strong for safe driving; and the rear light bright enough to be visible at a distance of at least 100 yards.

16. *Conditions of free passage.*—Every motor vehicle owned by a private person and not plying for hire or being used for a commercial purpose, and every motor vehicle seating not more than five persons and plying for hire for the carriage of passengers only, with or without their personal baggage, on casual, that is to say non-periodical

journeys, shall have a free passage into or within the areas to which these Rules apply provided that:—

- (a) it has been registered under these Rules and is being driven by a licensed driver, or
- (b) it has been registered by a competent authority outside such area, [in British India or]<sup>1</sup> in the jurisdiction within the limits of which the owner [was]<sup>1</sup> for the time being residing, under the Rules in force within the said jurisdiction, and that the driver is in possession of a current license in the form as may be specified in Form E of the Schedule and granted by such authority, and
- (c) such motor vehicle carries the identification plates prescribed for the class of its owner and its description, in the First Schedule.

17. *Rule applying to commercial vehicles plying periodically.*—Every motor vehicle plying for hire, for the carriage of passengers or goods, or for any other commercial purpose, periodically between two specified termini, one of which is within the area to which these Rules apply, shall be registered under these Rules, if the headquarters of the company or the residence of the owner to which such motor vehicle belongs, is within such area; after consulting the other jurisdiction or jurisdictions concerned and obtaining its or their assent to the issue of the license, on such terms and conditions as may be agreed upon, between the Political Agent (or in the case of motor vehicles let or plying for hire such other Agency officer as may be empowered by the Local Government in that behalf) and the jurisdictions concerned.

Similarly, when the headquarters of the company or the residence of the owner to which such motor vehicle belongs is in a jurisdiction outside the area to which these Rules apply, the registration of such motor vehicle in such jurisdiction after consulting the Political Agent or in the case of motor vehicles let or plying for hire such other Agency official as may be empowered by the Local Government in that behalf and any other jurisdictions involved and on such terms and conditions as may be agreed upon, shall be recognized as a valid registration for the purposes of these Rules.

When the headquarters of the company or the residence of the owner to which such motor vehicle belongs is in neither of the termini between which such motor vehicle plies periodically, registration at the principal of these termini, after consultation between the Political Agent

<sup>1</sup> Inserted by Notification No. 113, dated the 23rd December, 1926. *W. I. S. Agency Gazette*. 1926, p. 379.



or in the case of motor vehicles let or plying for hire such other Agency officer as may be empowered by the Local Government in that behalf and the jurisdictions concerned, as hereinbefore prescribed shall be deemed a valid registration under these Rules.

18. *Registration and License fees.*—The following fees shall be payable \* \*<sup>1</sup> by the owner and driver as the case may be of every motor vehicle registered under these Rules:—

(1) For registration:—

	Rs.
(a) of a motor cycle . . . . .	3
(b) of a motor car . . . . .	12
(c) of a motor lorry with a carrying capacity of up to one ton . . . . .	30
(d) of a motor lorry with a carrying capacity exceeding one ton . . . . .	30 plus a like amount for each additional ton or fraction thereof of carrying capacity.

(2) The fee for a certificate of transfer of registration shall be Rs. 2 in every case.

(3) The following fees are prescribed for the issue and renewal of driving licenses:—

	Rs.
(a) Driver's license . . . . .	2
(b) Learner's license . . . . .	1
(c) Renewal of Driver's license . . . . .	1

<sup>2</sup> [(4) If the registration certificate or the Driver's license, as the case may be, is lost, a duplicate copy of it, will be supplied by the licensing authority, on application, accompanied by a fee of rupee one.]

A Driver's license shall be valid for one year only; and if not renewed before it expires, the full fee of Rs. 2 will be charged on renewal.

19. *Speed limits and prohibition of driving in certain localities.*—The Political Agent may by order in writing published at a conspicuous place in every locality to which such order applies, prescribe a maximum speed above which no motor vehicle shall be driven in such locality; and may, by a like order similarly published, prohibit the driving of any motor vehicle on any foot-path, road or other public place specified in such order.

20. *Penalty for contravention of Rule [19]<sup>3</sup>.*—Every person who in any such locality drives a motor vehicle at a speed exceeding the limit

<sup>1</sup> Omitted by Notification No. 113, dated the 23rd December, 1926. *W. I. S. Agency Gazette*, 1926, p. 379.

<sup>2</sup> Inserted by Notification No. 29, dated the 9th April, 1929. *W. I. S. Agency Gazette*, 1929, p. 87.

<sup>3</sup> Substituted by Notification No. 113, dated the 23rd December, 1926. *W. I. S. Agency Gazette*, 1926, p. 379.

prescribed by the Political Agent under the last preceding Rule or drives a motor vehicle on any foot-path, road or other public place where such an act has been prohibited under the said Rule shall on conviction by a Magistrate be punishable with a fine which may extend to one hundred rupees (Magistrate means a Magistrate not inferior in rank to a Magistrate of the Second Class).

21. *Penalties.*—Whoever contravenes any of the provisions of these Rules shall, if no other penalty is elsewhere provided in these Rules for such contravention on conviction by a Magistrate be punishable with fine which may extend to fifty rupees and in the event of such person having been previously convicted of an offence under these Rules with fine which may extend to one hundred rupees.

22. *Exemptions.*—The following persons shall be exempt from the provisions of these Rules, as to the registration of motor vehicles and the possession of driving licenses:—

- (i) Ruling Princes, Chiefs, and Jurisdictional Talukdars, and members of their families, and such of their officers as they may exempt in this behalf.
- (ii) The Agent to the Governor General in the States of Western India and such officers of the Agency as he may exempt in this behalf.

In the cases of exempted motor vehicles, the numbers and letters prescribed for identification plates in the First Schedule to these Rules shall be allotted by the Ruling Princes, Chiefs and Jurisdictional Talukdars in the cases of exemptions under sub-rule (i) and by the Agent to the Governor General in the States of Western India under sub-rule (ii) above.

Motor vehicles owned by the Government of India and their drivers are also not subject to the provisions of these Rules.

23. *Subsidiary Rules.*—The Local Government may make subsidiary Rules providing for the conditions subject to which Motor Vehicles may be registered.

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## SCHEDULE I.

*Description of number plates to be carried by motor vehicles registered under these Rules.*

- (i) On motor vehicles belonging to persons in Class I of Rule 22. White numbers and letters on a red plate.

- (ii) On motor vehicles belonging to persons in Class II of Rule 22. Black numbers and letters on a white plate.
- (iii) On motor vehicles belonging to private persons or the companies. White numbers and letters on a blue plate.

The letters and numbers shown on motor vehicles in Class III should be not less than 2 inches in height and one-third of an inch in thickness.

Every motor vehicle shall carry two number plates: one at the front and the other at the rear of the vehicle.

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## SCHEDULE II.

### Form A.

#### *Application for Registration.*

1. Full name of owner.
2. Postal address of usual residence of owner.
3. Description of motor vehicle (a).
4. Type and colour of body of vehicle (b).
5. Weight unladen.
6. Axle-weight.
7. Diameter of wheels.
8. Width and material of tyres.
9. Maximum speed.
10. Number of Cylinders.
11. Horse power.
12. Whether intended for
  - (a) private use,
  - (b) use for trade purposes,
  - (c) use as a public conveyance.
13. Number of engine or chassis.

Date

Signature.

#### NOTES—

- (a) e.g., motor car, steam lorry, etc., and the name of the maker or name by which this type is ordinarily known.
- (b) e.g., tonneau body or dog-cart body or van body painted green, etc.

STATES IN THE WESTERN INDIA STATES AGENCY.—(VI.—C.— 453  
*Special Laws applying to the Eastern Kathiawar Agency and  
the Western Kathiawar Agency.)*

FORM B.  
*Registration Certificate.*

No.                      of 192 .

Certified that the motor vehicle described hereunder has been examined and found fit for use. It has been registered in the name of Mr.

and has been assigned number .

This number must always remain attached to the vehicle and must not be transferred to another vehicle. The person disposing of the vehicle as well as the person who takes it over, is bound to report the fact to the undersigned.

Description of vehicle.

Description of type.

Colour.

Maximum speed.

Number of Cylinders.

Number of seats.

Horse-power.

Number of Engine.

<sup>1</sup>[(To be filled in, in the case of a passenger car or cab or a lorry let or plying for hire).]

This car or cab (as the case may be) shall not carry more than passengers at one time and the aggregate weight of the luggage shall not exceed                      maunds at one time, irrespective of the above fixed number of passengers. ]

This lorry shall not carry a quantity of goods weighing more than                      maunds at any one time.]

Date                      192 .

Officer.

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<sup>1</sup> Inserted by Notification No. 29, dated the 9th April, 1929. *W. I. S. Agency Gazette*, 1929, p. 87.

<sup>2</sup> Omitted by Notification No. 113, dated the 23rd December, 1926. *W. I. S. Agency Gazette*, 1926, p. 379.

FORM C.

*Transfer Certificate.*

Certified that motor vehicle  
No.                      standing in the name of Mr.  
has been transferred to the name of Mr.  
residing at

Date                      192

Officer.

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FORM D.

*Application for Driving License.*

1. Full name of applicant.
2. Postal address of residence of applicant.
3. Whether applicant is over 18 years of age.
4. Particulars of any license which applicant holds or which he has previously held.
5. Particulars of any endorsement on any license which applicant holds or which he has previously held.
6. Whether applicant has at any time been disqualified for obtaining a license. If so, particulars as to the Court of the authority by which, the date on which and the period for which the disqualification was imposed.

Date

Signature.

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FORM E.

*Driving License.*

Available for

Fee Rs. 2 only.

No.                      of 192

License to drive motor vehicles throughout  
is granted under the Kathiawar Motor Rules to Mr.  
residing at

This license expires on

Date of renewal.	Date of expiry.	Signature of licensing authority.

NOTE.—In the case of a learner's license the form should be endorsed "learner's license". Under Rule 9 of the Kathiawar Motor Rules a learner's license is valid for three months only: and may only be availed of while driving a motor vehicle when the learner is accompanied by a fully licensed driver.

[W. I. S. Agency Gazette, 1926, p. 339.]

### *Kathiawar Agency Extradition Rules, 1927.*

*No. 103-I., dated the 24th February, 1927.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in this behalf the Governor General in Council is pleased in supersession of all existing rules on the same subject to direct that the following shall be the rules in force for the extradition in the Kathiawar Political Agency of accused persons between the States *inter se* and between the States on the one hand and the Thanas, Civil Stations and Railway Lands on the other hand:—

### CHAPTER I.

1. These rules may be called the Kathiawar Agency Extradition Rules.

2. In these rules—

- (a) "the Convention" means the convention entered into by the States of the Kathiawar Agency and sanctioned by Government Resolution<sup>1</sup> No. 7165, dated the 29th October, 1889.

<sup>1</sup> Page 1036 in Abstract of Proceedings of the Government of Bombay in the Political Department for October, 1889.

(b) " Convention offence " means an offence specified in the convention.<sup>1</sup>

(c) " Non-convention offence " means any offence punishable under the Indian Penal Code other than a Convention offence.

#### CHAPTER II.—EXTRADITION FOR CONVENTION OFFENCES.

3. The provisions of the Convention are to be followed in all cases to which they apply.

4. Save as hereinafter provided a person accused of a convention offence shall be surrendered to the State in which he is alleged to have committed such offence if the Chief Administrative Officer of such State certifies that a *prima facie* case against such person has been established to the satisfaction of a Judicial Officer of such State not below the rank of Nyayadhissh and that he concurs with the finding of the Nyayadhissh.

5. (1) An accused person arrested under rule 2 of the Convention—

(2) may, if he is not a subject of the State in which he has been arrested, be removed by the Police of the State making the arrest,

(ii) shall, if he is a subject of the State in which he has been arrested, be handed over to the custody of the Police of that State, pending the receipt of the certificate required by rule 4.

(2) If any such accused person is a subject of His Majesty or a European subject of a foreign Power or an American, the State within which he is detained shall forthwith report the arrest to the Agent to the Governor General.

6. A person arrested under rule 2 of the Convention shall not be detained for more than one month except at the request of the State demanding his surrender; and he shall not in any case be detained for more than two months.

7. (1) The provisions of the Convention and of this Chapter shall also apply to proceedings for the extradition of persons accused of a Convention offence to or from States on the one hand, and Agency Thanas, Civil Stations or Railway Lands under Agency Jurisdiction on the other hand.

(2) The certificate required by rule 4 and the report required by sub-rule (2) of rule 5 shall in the case of Agency Thanas be furnished by the Thandar, and in the case of Civil Stations or Railway Lands

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<sup>1</sup> Aitchison, Edition IV, Volume VI, pages 135-137.

under Agency Jurisdiction by the Deputy Political Agent having jurisdiction.

(3) The provisions of the Convention and of this Chapter shall not apply to Convention offences for which extradition is required by States of the Fifth Class and under.

### CHAPTER III.—EXTRADITION FOR NON-CONVENTION OFFENCES.

#### PART I.—*Extradition between States.*

8. A State, requiring the surrender by another State of a person accused of a non-convention offence, shall make an application in writing to the Political Agent of the Prant in which the State demanding the surrender is situated and shall, if it has the necessary jurisdiction, forward with such application any papers showing that a *prima facie* case has been established against the person whose surrender is demanded.

9. On receipt of such application and papers, the Political Agent may, if he thinks fit, refer such application to the Deputy Political Agent with directions to record the evidence adduced to establish a *prima facie* case against the accused and to submit to him the evidence so recorded with a report on the case.

10. (1) If the Political Agent, after considering any application made under rule 8 and, in cases in which such application has been referred to the Deputy Political Agent under rule 9, the evidence recorded and the report made by the Deputy Political Agent, is satisfied that (a) a *prima facie* case has been established against the person whose surrender is demanded, (b) the demand is not prompted by political motives and (c) the State has jurisdiction to try the offender, he shall, if the accused is not a European British subject or a European subject of a foreign Power or an American, and is in a State included in the same Prant as the State demanding his surrender, pass an order directing the State in which such accused person is, to surrender him to the State demanding his surrender.

(2) Every such order shall show that the Political Agent is satisfied that a *prima facie* case has been made out against the accused, and shall contain the following particulars:—

- (a) the nature of the offence;
- (b) the place of the offence;
- (c) the name of the accused person whose surrender is required;
- (d) the State or authority to whom the surrender is to be made;  
and
- (e) the place at which the surrender is to be made.



(3) If the accused person is a European British subject or a European subject of a foreign Power or an American the procedure directed by this rule shall in other respects be followed, but the surrender shall be made to the Agency for the trial to be held in a competent Agency Court.

(4) If the accused is in a State included in a Prant other than that in which the State demanding his surrender is included, the Political Agent making an order under this rule shall forward such order to the Political Agent of the Prant in which the State by which the accused person is to be surrendered is included and that officer shall proceed to obtain the surrender of the accused person.

11. The provisions of this Part shall apply also to convention offences for which extradition is required by States of the Fifth Class and under.

PART II.—*Extradition between States on the one hand and Agency  
Thanas, Civil Stations and Railway Lands under Agency Juris-  
diction on the other hand.*

12. A State requiring the surrender from an Agency Thana, Civil Station or Railway Lands under Agency Jurisdiction of a person accused of a non-convention offence shall make an application in writing in that behalf to the Political Agent in whose charge such State is situated and shall if it has the necessary jurisdiction, forward with such application papers showing that a *prima facie* case has been made out against the person whose surrender is demanded.

13. On the receipt of such an application the Political Agent may himself make such inquiry as he considers necessary or send such application to an Agency officer subordinate to him with directions to report on the same.

14. If the Political Agent, after considering any application made under rule 12 and making any enquiry or considering any report made under rule 13, is satisfied that—

- (a) a *prima facie* case has been established against the person whose surrender is demanded,
- (b) the demanding State has jurisdiction to try the case,
- (c) the accused is not a European British subject or a European subject of a foreign Power or an American, and
- (d) there are not sufficient political reasons to refuse extradition,

he shall make an order for the surrender of the accused person if such person is within his jurisdiction, or obtain his surrender through the Political Agent having jurisdiction if such person is within the jurisdiction of another Political Agent.

15. (1) Where the demand is for the surrender by a State of a person accused of a non-convention offence committed in an Agency Thana, Civil Station or Railway Lands under Agency Jurisdiction, the enquiry to determine whether a *prima facie* case exists shall be made by the Thandar having jurisdiction if the offence was committed within a Thana and otherwise by the Deputy Political Agent having jurisdiction, and, if a *prima facie* case has been established, application shall be made to the Political Agent having jurisdiction for an order under rule 10.

(2) Such enquiry may be made by a Thandar irrespective of the fact that the alleged offence is one which he would not be able to try in the exercise of his magisterial powers, but no surrender shall be made except to a magistrate possessing jurisdiction to try the case.

16. The provisions of this Part shall apply also to Convention offences for which extradition is required by States of the Fifth Class and under.

#### CHAPTER IV.—GENERAL PROVISIONS RELATING TO EXTRADITION.

17. If compliance with any order made by a Political Agent under these rules is delayed for more than one month from the date of such order the authority responsible for the delay shall report the fact to the Agent to the Governor General.

18. All applications for extradition shall be submitted without delay, and in cases where delay has occurred for which there is no satisfactory explanation the Political Agent may refuse to procure the surrender of an accused person.

19. Save as is otherwise expressly provided in these rules extradition between States in the Kathiawar Agency shall be made in accordance with the principles governing the Law of Extradition in British India, and the procedure prescribed by the Indian Extradition Act, 1903, or by any other law regulating extradition for the time being in force in British India shall, as far as may be apply to the extradition of accused persons under these rules.

20. Notwithstanding anything hereinbefore contained a Political Agent may—

(a) for reasons to be recorded in writing direct that any accused person, whether a British Indian subject or a subject of a State, shall be tried in an Agency Court instead of in a Court of the State demanding his extradition, or

(b) refuse to comply with a demand for the surrender of an accused person, on the ground that the offence complained of is trivial or that the demand for surrender is prompted by political motives.

21. (1) Where any person is surrendered through the Agency, it shall be the duty of the Political Agent to satisfy himself that such person receives a fair trial, that the punishment inflicted on him is not excessive, and generally, that the treatment accorded to him is proper.

(2) If the Political Agent is in the case of any such person not so satisfied he may require, and if necessary enforce, the surrender of such person to his custody pending the orders of the Agent to the Governor General, which shall be final.

(3) The Agent to the Governor General may of his own motion take similar action in any such case which comes to his notice in any way whatever, and his orders shall be final.

22. (1) Where any two or more States desire to enter into an agreement with each other for the mutual surrender of their own subjects accused of offences, other than those specified in the convention sanctioned by Government Resolution No. 7165, dated the 29th October, 1889, such States shall make an application in this behalf to the Political Agent and shall forward with such application a copy of the rules by which they agree to regulate such surrenders.

(2) If the application and the connected rules are sanctioned by the Agent to the Governor General, the provisions of the agreement shall thereupon apply, and in all cases to which the agreement is applicable extradition shall notwithstanding anything contained in the rules be made in accordance with the terms of such agreement.

23. Every State shall submit every half year to the Political Agent concerned returns in the form given in Appendix A of all persons surrendered to it under rules 10 and 14 and in the form given in Appendix B of all persons surrendered to it under rules 4 and 22.

24. The conveyance and maintenance charges of all persons surrendered under this rules shall be borne by the State or Authority which incurred them.

25. (1) An appeal to the Agent to the Governor General shall lie against any order made under rules 10, 14, 15, 17 and 20.

(2) Every such appeals shall be made within 14 days of the date of the order appealed against, and the decision of the Agent to the Governor General in any such appeal shall be final.

26. Notwithstanding anything contained in these rules the provisions of the Code of Criminal Procedure, 1898, as applied to the Agency Thanas, Civil Stations and Railway Lands under Agency Jurisdiction shall apply to all cases in which an offence has been committed in one of such areas and the accused is found in another of such areas.

APPENDIX A.

*Half-yearly Return for the period ending* *of persons made*  
*over through the Political Agent at* *for trial by*  
*the Court of the* *State.*

Number.	Name of person.	Nation- ality.	Offence with which charged and date of same.	Where arrest- ed.	Date of order for sur- render.	Date of sur- render.	State or author- ity by which surren- dered for trial.	Nature of sen- tence passed with date of sent- ence.	Remarks.
1	2	3	4	5	6	7	8	9	10

APPENDIX B.

*Half-yearly Return for the period ending* *of persons*  
*made over to the* *State under Rules 4 and 22.*

Number.	Name of person.	Nation- ality.	Offence with which charged and date of same.	Where arrest- ed.	Date of demand.	Date of surren- der.	State by which surren- dered for trial.	Whet- her surren- dered under Rule 4 or 22.	Nature of sen- tence passed with date of sent- ence.	Remarks.
1	2	3	4	5	6	7	8	9	10	11

*Motor Vehicles Taxation Rules, 1927.*

*No. 48, dated the 3rd October, 1927.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>1</sup> of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf, the Hon'ble the Agent to the Governor General in the States of Western India is pleased to prescribe the following Taxation Rules for Motor Vehicles in the Kathiawar Thana Areas of the Western India States Agency:—

PRELIMINARY.

1. (1) *Short title.*—These Rules may be called “The Kathiawar Thana Areas Motor Vehicles Taxation Rules, 1927”.

(2) *Extent.*—They shall apply to all Thana areas in Kathiawar hereinafter referred to as “Thana areas”.

TAX ON MOTOR VEHICLES.

2. *Tax on vehicles to be levied.*—Except as hereinafter provided a tax at rates not exceeding those specified in Schedule A to these Rules shall be levied on all motor vehicles of the descriptions specified in the said Schedule kept in any Thana area.

3. *Exceptions from the Tax.*—The following motor vehicles are exempted from the said tax:—

- (a) All motor vehicles certified by the Political Agent to be used by the owners thereof for municipal or police purposes;
- (b) Motor vehicles belonging to the Thana Funds;
- (c) Motor vehicles kept by *bona fide* dealers in such vehicles, for sale and not in use;
- (d) All motor tractors used for agricultural purposes.

4. *Period by which liability for the tax is determinable.*—Every person who owns or has charge of any motor vehicle in any Thana area in respect of which the said tax is leviable, shall, if he has owned or had charge thereof, for not less than 30 days in any quarter, be liable for the whole tax for that quarter.

5. *Vehicle under repair exempt.*—If a motor vehicle has been under repair during the whole of any quarter no tax shall be leviable in respect of such motor vehicles for that quarter.

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<sup>1</sup> Printed *supra*, p. 153.

MODE OF ASSESSMENT.

6. *Vehicle tax book to be kept.*—Every Thandar shall keep a book in which the following particulars shall be entered from time to time :—

- (a) The name of every person liable to pay the said tax;
- (b) A description of the motor vehicle for which such persons are liable to pay the said tax;
- (c) The period for which and the amount of the tax leviable from each assessee.

7. *Returns may be called for from persons supposed to be liable to the tax.*—Every Thandar shall require :—

- (a) The owners or occupiers of any premises which are let to more than one person, to furnish him with a return signed by such owner or occupier, setting forth the names and addresses of all such persons owning or possessing a motor vehicle, with a description of the motor vehicles owned or possessed by any such person, in the owners' premises;
- (b) Every person presumed to be liable for the said tax to furnish him with a written return signed by such person containing such information concerning the motor vehicles owned by or in charge of such person as the Thandar may require;
- (c) Every person on whom such a requisition has been made shall be bound to comply with the same within such time as the Thandar may prescribe in this behalf, whether such person be liable to pay the tax, or not, and to make a true return to the best of his knowledge and belief.

8. *Notice to be given to the Thandar by a person who becomes possessed of a new vehicle in respect of which liability arises.*—Any person becoming possessed of a motor vehicle liable to be taxed under these Rules shall give notice in writing of the fact, to the Thandar, within fifteen days of his acquisition of such motor vehicle.

9. *Power to inspect motor garages and summon persons liable to the tax.*—(1) The Thandar may inspect any motor garage, or any other place which he has reason to believe is used for garaging a motor vehicle liable to be taxed under these Rules.

(2) A Deputy Political Agent may by summons in writing require the attendance of any person, who he has reason to believe is liable to be assessed under these Rules and may examine such person as to the value and description of motor vehicles owned or possessed by him.

A Deputy Political Agent may similarly secure the attendance of any person believed to be in charge of any motor vehicle as a servant and require similar information from him.

All persons summoned to give information under this Rule shall be bound to attend as required and to answer to the best of their knowledge and belief.

#### COLLECTIONS.

10. *Tax payable quarterly in arrears.*—All taxes assessed under these Rules shall be payable quarterly in arrear on the last day of April, July, October and January in each year.

#### RECOVERIES.

11. *Presentation for bill for tax.*—(1) The Thandar shall on the first day of each quarter make out a demand for each person assessed under these Rules.

(2) Every such demand shall specify the period for which and the vehicle in respect of which the tax is charged and shall also state the time within which an appeal as hereinafter provided may be preferred against the said assessment.

12. *Notice of demand.*—(1) If the amount of the tax for which a demand has been presented is not paid into the office of the Thandar within 15 days of presentation, the Deputy Political Agent shall cause a notice in the form set forth in Schedule B to be served on the person liable to pay the amount.

(2) A notice fee to be fixed by the Deputy Political Agent, but not exceeding Re. 1 in each case, shall be levied for every notice served under this Rule and the amount shall be recovered as part of the tax.

13. *Distress.*—Should an assessee, who has not preferred an appeal as hereinafter provided, not pay the amount of the tax within 15 days of service of the notice under the last preceding Rule, the said amount may be recovered by distress on a warrant in the form of Schedule C to be issued by the Deputy Political Agent.

Provided that the particulars mentioned in the proviso to Section 60 of the Civil Procedure Code, 1908 (V of 1908), shall not be liable to attachment and sale under these Rules, and, provided further that attachment and sale under these Rules shall not be excessive, being as nearly as may be proportional to the value of the amount due from the assessee.

14. *Inventory and notice of distress and sale.*—Every Officer executing a warrant of distress issued under Rule 13 shall forthwith make

an inventory of the moveable property seized under such warrant, and shall serve a written notice in the form of Schedule D on the person in possession thereof.

15. *Sale*.—(1) If the warrant is not in the meantime suspended by the Political Agent or discharged, the moveable property so seized, shall after the expiry of the period named in the notice be sold by order of the Political Agent, and the amount realized shall be credited towards the amount of the tax due under these Rules and the costs of collection, the surplus, if any, being credited to the Thana Fund.

(2) Any person entitled to such surplus, may on a written application and on the orders of the Deputy Political Agent, obtain a refund of the amount, but any amount if not claimed within a year shall be deemed to have lapsed to the Thana Fund.

16. *Fees for distraints*.—For every distraint made under these Rules a fee shall be charged at the rate set forth in Schedule E and shall be included in the costs of recovery.

17. *Fees for cost of recovery may be remitted*.—The Political Agent may in his discretion remit the whole or any part of any fee chargeable under clause (2) of Rule 12 or under Rule 16.

18. *Summary proceedings may be taken against persons about to leave the Thana limits*.—(1) If a Deputy Political Agent shall at any time have reason to believe that any person from whom any sum is due on account of the said tax or who would be liable for any sum on such account at the close of the current quarter, is about to leave the Thana limits, he may order the immediate payment of the sum so due or about to become due and may direct a demand for the same to be made.

(2) If on presentation of such demand, the said person does not forthwith pay the sum due or about to become due by him, the amount may be levied by distress and sale in the manner hereinbefore prescribed, except that it shall not be necessary to serve the defaulter with any notice and if the Deputy Political Agent's warrant for distress and sale may be issued and executed at once.

19. *Defaulters may be sued for arrears if necessary*.—Notwithstanding anything hereinafter contained any sum due under these Rules may be recovered by the Thandar, with the previous sanction of the Deputy Political Agent, by instituting a civil suit against the defaulter in a Court of competent jurisdiction.

20. *Writing off of irrecoverable tax*.—The Political Agent may write off any sum due under these Rules whenever in his opinion "it has become irrecoverable".



# APPEALS.

21. *Appeals*.—(1) An appeal to the Political Agent shall lie against every assessment made under these Rules provided that

(a) it is brought within 15 days of the presentation of the demand for the said tax; and

(b) that the amount demanded from the appellant has been deposited by him with the Thandar.

(2) The appellate decision of the Political Agent under these Rules shall be final.

22. *Penalty*.—Whoever contravenes the provisions of Rule 8 may be punished with fine which may extend to fifty rupees.

23. *Cognizance of offences*.—All offences punishable under Rule 22 shall be cognizable by the Deputy Political Agent.

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## SCHEDULE A.

(See Rule 2.)

### *Tax on Vehicles.*

Description of vehicle.	Maximum rate per quarter.	
	Rs.	A. P.
1. Each motor lorry with a carrying capacity of and up to one ton .	7	8 0
2. Each motor lorry with a carrying capacity exceeding one ton .	7	8 0
		<i>plus a like amount for each additional ton or fraction thereof of carrying capacity.</i>
3. Motor car . . . . .	3	0 0
4. Motor cycle . . . . .	0	12 0

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## SCHEDULE B.

(See Rule 12.)

### *Form of notice of demand.*

To           A. B.  
residing at

Take notice that the Thandar of  
demands from you the sum of Rs.           due from you on account of the tax  
on vehicles in respect of                      for the quarter ending on the

day of \_\_\_\_\_ ; and that if the said sum is not paid into  
the office of the said Thandar or if sufficient cause for non-payment of  
the sum is not shown to the satisfaction of the Deputy Political Agent  
within 15 days from the service of this notice, a warrant of distress  
will be issued for the recovery of the same with costs.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

•  
(Signature)

Deputy Political Agent,  
Kathiawar Agency.

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SCHEDULE C.

(See Rule 13.)

*Form of distress warrant.*

To

Whereas A. B. of \_\_\_\_\_ Thana has not paid or shown suffi-  
cient cause to my satisfaction for the non-payment of the sum of \_\_\_\_\_  
due for the tax on vehicles for the quarter ending on the \_\_\_\_\_ day of  
192 , although the said sum has been duly demanded  
in writing from the said A. B., and fifteen days have elapsed since  
the service of notice of demand. {

This is to command you to distrain the moveable property of the  
said A. B. to the amount of the said sum of \_\_\_\_\_ and such further  
sums as may be sufficient to defray the cost of recovering the said amounts  
and if within five days next after such distress the said sum shall not  
be paid, together with such further sum as shall be sufficient to defray  
the said costs, to sell the said moveable property.

If sufficient distress cannot be found of the moveable property of the  
said A. B. you are to certify the same to me together with this warrant.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Deputy Political Agent,  
Kathiawar Agency.

SCHEDULE D.

(See Rule 14.)

*Form of Inventory and Notice.*

To A. B.

residing at the

Thana \*

Take notice that I have this day seized the moveable property specified in the inventory beneath this, for the sum of Rs.        due for the tax on vehicles for the quarter ending on the        day of        and that unless you pay into the office of the Thandar of        the amount due together with the costs of recovery within five days from the date of this notice the said moveable property will be sold.

Dated this        day of        19 .

Signature of the Officer executing the warrant.

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INVENTORY.

SCHEDULE E.

(See Rule 16.)

*Table of fees payable in distrainments.*

Sum distrained for

	Fee.
	As.
Five rupees and under . . . . .	2
Above five rupees and up to and including ten rupees . . . . .	4
For every additional amount of five rupees or under, above ten rupees . . . . .	2

In addition to the above charges when special accommodation or watchmen are required for the custody of property distrained the actual charge for hire of accommodation and a charge of annas four daily for each watchman will be levied.

*Rules for the management of Majmu affairs of the Kotda-Pitha Taluka,  
1928.*

No. 13, dated the 30th January, 1928.—*Preamble.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>1</sup> of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf, the Hon'ble the Agent to the Governor General in the States of Western India is pleased, in supersession of all previous orders on the subject, to make the following Rules for the Constitution, Management and Control of the Majmu affairs of the Kotda-Pitha Taluka in the Western Kathiawar Agency:—

1. *Title and commencement.*—These Rules may be called “ The Kotda-Pitha Taluka Majmu Constitution Rules ” and shall come into force from the date of publication in the *Western India States Agency Gazette*.

2. *Extent.*—They shall extend to the areas comprised in the villages of Kotda-Pitha Taluka named in Schedule A, provided that police and magisterial jurisdiction in the village of Ingorala shall continue to be exercised by the Babra Thana.

3. *Kotda-Pitha Taluka Committee.*—For the purposes of these Rules a Committee of 10 members, to be called the Kotda-Pitha Taluka Committee and hereinafter referred to as “ the Committee ”, shall be constituted, as follows:—

- (1) *Constitution of the Committee.*—Five of the members of the Committee shall be the five Talukdars representing the five principal branches of Talukdars of Kotda-Pitha.
- (2) Valas Lakha Meram and Bhoj Dosa shall sit as members in alternate years, during the lifetime of Vala Bhoj Dosa, beginning with Vala Lakha Meram as member for the first year of the commencement of these Rules.
- (3) Five members shall be elected annually by the shareholders, other than Talukdars, from among their own number.

Provided that no shareholder or Talukdar who is a minor, or who is otherwise unfitted to discharge the duties of a member of the Committee, shall be eligible for election or shall be a member. The Political Agent's decision on all questions of eligibility shall be final.

4. *Procedure for election.*—The election referred to in the foregoing Rule shall be made by a majority of votes at a meeting to be convened for the purpose on the 1st March in each year or as near that date as

is convenient. All shareholders eligible for election shall be asked by the Nyayadhish at least one month before the date fixed for the election whether they are willing to stand as candidates and the names of all those willing to serve on the Committee thus ascertained shall be communicated in good time by the Nyayadhish to all the shareholders entitled to vote at the election.

On the date fixed for the election the shareholders present shall be required to vote by ballot for 5 members of the Committee. Any shareholder unable to be present may send his vote in writing in a sealed cover addressed to the Nyayadhish so as to reach him before the election is held. Each elector may vote for 5 candidates and the 5 candidates receiving the largest number of votes shall be declared duly elected provided that in the event of an equality of votes the electors present shall be required to vote afresh for filling the fifth vacancy. On the election of the new Committee the one in office shall forthwith cease to function.

All disputes connected with or relating to the election shall be decided by the Political Agent whose decision shall be final.

5. *Powers of the Committee.*—Subject to the provisions of these Rules the jurisdictional powers vesting in the Majmu Taluka shall be exercised by the Committee through the Nyayadhish, who in this and in all other respects, shall occupy a position analogous to that of a jurisdictional Talukdar in the Western India States Agency exercising the powers formerly known as sixth class.

6. *Appointment, etc., of Nyayadhish, Fouzdar and subordinate staff.*—Except in the case of the first appointment the Committee shall appoint the Nyayadhish, and a Fouzdar and such subordinate staff as the Political Agent, Western Kathiawar Agency, may in consultation with the Committee decide. The appointment, resignation, dismissal, as well as the pay and all other emoluments of the Nyayadhish, the Fouzdar, and the subordinate staff shall be determined by the Committee subject to the approval of the Political Agent, Western Kathiawar Agency:

Provided that the village policemen will be nominated by Talukdars and Bhagdars subject to the approval of the Nyayadhish who may appoint and dismiss them.

7. *Powers of the Nyayadhish.*—The Nyayadhish shall exercise the jurisdictional powers vested in the Taluka subject to the following provisions:—

#### A. CIVIL CASES.

(1) In all civil cases a first appeal shall lie from the decision of the Nyayadhish to the Court of the District Judge, Kathiawar.

(2) Where under the law for the time being in force there is a second appeal against the decision of the District Judge, it shall lie to the Court of the Judicial Commissioner in the States of Western India.

(3) The Judicial Commissioner may call for the record of any non-appealable case from the Court of the District Judge for purposes of revision. Appeals and revision applications shall be governed by the Kathiawar Agency Civil Court Rules notified in the Government of India (Foreign and Political Department) Notification No. 478-I., dated the 3rd October, 1924, as amended from time to time.

#### B. CRIMINAL CASES.

Subject to the Rules contained in the Kathiawar Agency Criminal Court Rules notified in the Government of India (Foreign and Political Department) Notification No. 479-I., dated the 3rd October, 1924, as amended from time to time, appeals from the decisions of the Nyayadhish in criminal cases shall lie to the Political Agent, Western Kathiawar Agency. The Judicial Commissioner shall exercise the powers of a High Court under Section 439 of the Code of Criminal Procedure (Act IV of 1898).

#### C. EXECUTIVE MATTERS.

In executive matters the Nyayadhish shall be under the orders of the Political Agent, Western Kathiawar Agency.

8. *Duties of the Nyayadhish.*—The Nyayadhish shall effect the recoveries of Varads by three instalments, *viz.*, on the 15th December, 1st March and 1st June of every year and shall take security on the 1st November. He shall be the Chief Executive Officer for all purposes within his jurisdiction and shall have authority to make recoveries by attachment subject to the sanction of the Political Agent, Western Kathiawar Agency, of produce and movable property, whenever necessary, within his jurisdiction. He shall submit the accounts annually to the Committee for their inspection. He shall correspond directly with the Political Agent, Western Kathiawar Agency, in matters relating to the Taluka, except in the cases of the villages under Agency jurisdiction in respect of which he shall correspond directly with the Thandar of Babra.

9. *Grant of leave.*—The Political Agent, Western Kathiawar Agency, may grant leave, other than casual leave, to the Nyayadhish and to the Fouzdar. The Committee may grant casual leave to the Nyayadhish and to the Fouzdar, and all kinds of leave to the subordinate staff except

the village police. The Nyayadhis and the Fouzdar may grant leave other than casual leave and casual leave respectively to the village policemen.

10. *Procedure for commitment.*—The Nyayadhis may act as Public Prosecutor on behalf of the Taluka in cases instituted in the Court of the Deputy Political Agent, Western Kathiawar Agency, provided that he has not recorded confessions, or taken any other judicial action in the case which disqualifies him from acting in that capacity. The Fouzdar shall submit all cases to the Court of the Deputy Political Agent, Western Kathiawar Agency, or the Thandar of Babra, through the Nyayadhis.

11. The Committee shall frame and sanction the annual Budget of the Majmu Taluka. All re-appropriations from one budget head to another as well as those from the general balance will require the sanction of the Committee.

12. *Rules and Regulations.*—Any Rules or Regulations that may be framed by the Committee shall be submitted by them through the Nyayadhis for the approval of the Political Agent, Western Kathiawar Agency, and shall have no effect until approved by him.

13. *Meetings of the Committee.*—The Nyayadhis shall, for the purpose of transacting business under these Rules, convene a meeting of the Committee under the orders of the Political Agent, Western Kathiawar Agency or on a written authority from not less than five members of the Committee. Six members of the Committee shall form a quorum at an ordinary meeting and four at an adjourned meeting. If at an adjourned meeting there is still no quorum and in consequence of this there is a probability of undesirable delay in dealing with a matter of urgent importance the Nyayadhis may refer it to the Political Agent for orders. All questions before the Committee shall be decided in accordance with the opinion of the majority of members present at the meeting but any member dissenting from the opinion of the majority may refer the matter in dispute to the Political Agent, Western Kathiawar Agency, whose decision shall be final.

#### SCHEDULE A.

1. Varda.	5. Ingorala.	9. Isapur.
2. Kalodana.	6. Khijadia.	10. Khanpur.
3. Karnuki.	7. Pinaria.	11. Raipur.
4. Samadhiala.	8. Untwad.	12. Hathignulh.

*Kathiawar Public Conveyance (Motor Vehicles) Rules.*

No. 30, dated the 10th April, 1929.—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>1</sup> of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and Agency Notification No. 98, dated the 1st November, 1926, and of all other powers enabling him in this behalf, the Hon'ble the Agent to the Governor General in the States of Western India is pleased to prescribe the following Rules to regulate the traffic of motor vehicles within the limits of Kathiawar in the Western India States Agency:—

1. *Short title, extent and commencement.*—(1) These Rules shall be called the Public Conveyance (Motor Vehicles) Rules, 1928, for the Kathiawar Agency.

(2) They shall apply to the Civil Stations and Agency areas in Kathiawar, and shall come into force on the 1st May, 1929.

(3) Such of the “Kathiawar Motor Vehicles Rules, 1926” as are not inconsistent with the provisions of these Rules shall apply to motor vehicles let or plying for hire.

2. *Definitions.*—In these Rules—

(a) “Motor Vehicle” shall mean a motor vehicle let or plying for hire.

(b) “Passenger car or cab” shall mean a motor vehicle let or plying for hire for the carriage of passengers.

(c) “Motor lorry” shall mean a motor vehicle let or plying for hire for the carriage of goods.

(d) “Licensing authority” shall mean the Political Agent or such other official as may be empowered by the Hon'ble the Agent to the Governor General in the States of Western India, under the “Kathiawar Motor Vehicle Rules, 1926”.

3. No motor vehicles shall be let or plied for hire in public places within the said limits unless the owner or person in charge of such motor vehicles shall have a certificate of registration of the motor vehicle under the “Kathiawar Motor Vehicles Rules, 1926”.

4. *Inspection.*—Every motor vehicle intended to be let or plied for hire within the said limits must be taken to the office of the Superintendent of Police, Western India States Agency, at Rajkot, for inspection.



tion. The owner or person in charge of such vehicle shall at the same time produce the certificate of registration of the motor vehicle as prescribed in Rules 7 and 17 of the Kathiawar Motor Vehicles Rules, 1926, as the case may be.

5. *Periodical inspection.*—A motor vehicle shall be liable to inspection by the Superintendent of Police, Assistant Superintendent of Police, or Deputy Superintendent of Police at such times and places as the Superintendent of Police, Western India States Agency, may prescribe and the registration certificate may be suspended or cancelled by the licensing authority on the inspecting officer's report, if the vehicle does not comply with the requirements of these Rules or with those of the Kathiawar Motor Vehicles Rules, 1926, as far as practicable.

6. *Brakes.*—The brakes shall, as far as possible, be so fixed as to be capable of easy adjustment, and at least one brake must be so made as to be applied by the foot of the driver. The brakes will at any time be subject to inspection.

7. *Bolts.*—All brakes and steering connections secured with bolts must have such bolts secured with nuts and locked or pinned. These parts will at any time be subject to inspection.

8. *Machinery.*—The machinery shall be so constructed that no undue noise or vibration is caused.

9. *Connections and fittings.*—All parts connected by bolts or studs and nuts subject to severe vibration shall be fastened by lock nuts or by nuts and approved spring or lock nut washers to prevent their working loose and making a rattling noise; and any motor vehicle with lamp brackets, mudguard brackets and other carriage fittings so loose as likely to cause unnecessary noise will be regarded as unfit for use as a public conveyance.

10. *Carburettors.*—Carburettors must not be placed in close proximity to magnetos or to connections of wires carrying electric current, unless they are suitably encased or screened.

11. *Precautions to be adapted against injury or danger.*—Effective means shall be adopted for preventing the heat of the motor or of the exhaust pipe connections from injuriously affecting other parts of the motor vehicle, the goods carried or the comfort of the passengers. All wires carrying electric current must be properly insulated and protected from injury and so placed that they cannot be the cause of danger.

12. *Tanks.*—Tanks for petrol and other liquid fuel must be made of suitable material properly constructed and of sufficient strength. They should be so placed that any overflow shall not accumulate on wood

work, or where it can be readily ignited. The filling nozzle or inlet for the petrol or other liquid fuel should, where possible, be brought to the outside of the body.

13. *Petrol leakage.*—When a guard or tray is fixed underneath, it must be so constructed that any overflow of petrol from the carburettor shall not be retained in the tray.

14. *Smoke from exhaust.*—The lubrication of the engine and the carburation of the working mixture must be so controlled that smoke is not ejected with the exhaust, or from any other part.

15. *Outlet from the silencer.*—The outlet from the silencer should not be so placed as to eject the exhaust directly on to the road-way, or so placed, or so directed, as to alarm horses immediately behind the motor vehicle.

16. *Advertisements forbidden.*—No printed, written or other matter, other than the sanctioned rate for hire or these Rules shall appear on the inside or outside of the motor vehicle or be carried by way of advertisement.

17. *Number of passengers. Weight of luggage.*—The licensing authority shall enter on each Registration Certificate in the case of a passenger car or cab, the maximum number of passengers and quantity of luggage, and in case of a lorry, the weight of the goods which may be carried at any one time in such motor vehicle.

#### SPECIAL REQUIREMENTS FOR PASSENGER CARS OR CABS.

18. *Right hand drive.*—No Registration Certificate shall be issued in respect of any passenger car or cab unless the drive is on the right hand side.

19. *Steering and turning.*—Each passenger car or cab must be capable of being readily steered and able to turn on each lock and proceed in a contrary direction within a road-way not more than 30 feet wide from kerb to kerb, but the licensing authority may in his discretion permit a car to be let or plied for hire, if the car is capable of turning within a reasonable space though more than 30 feet.

20. *Acetylene gas, etc., precautions.*—Where acetylene or other gas is used to light a passenger car or cab, the cylinders or vessels which contain the gas or in which it is generated must be fixed outside in such a position as to be removed as far as possible from the danger of accidental ignition.

21. *Celluloid, etc., fitting prohibited.*—No celluloid or xylonite fittings shall be placed inside or outside a passenger car or cab, but this rule does not apply to the accumulators.

22. *Cushions.*—The cushions of seats, where such are provided, must be covered and stuffed with suitable material.

23. *Maintenance of car in proper condition.*—The doors, windows, seats, roof, springs, cushions, wheels, lining panels and all furniture and appointments of a taxi car or cab must be in proper order and repair, the paint and varnish in good condition and the inside perfectly clean.

#### FARES, PASSENGER CARS AND CABS.

24. *Rates of fares.*—The rate for the fare or hire of a passenger car or cab let or plied for hire shall be in accordance with a schedule approved by the licensing authority.

25. *Charges for detention and luggage.*—The driver of a passenger car or cab shall be entitled to charge for detention after having been hired and for any package carried in such vehicle in accordance with the rates laid down in a schedule approved by the licensing authority.

26. *Permit to a firm or company.*—In the case of a firm or company the Registration Certificate shall be issued in the name of the senior partner or secretary or manager.

27. *Qualifications for license.*—A driver's license will not be granted unless the driver satisfies the licensing authority that he is a competent and careful driver, that he is acquainted with the principal places and streets within the said limits, that he has a thorough knowledge of the rates of hire, if any, sanctioned, and that he is in all respects a fit person to be the driver of a motor vehicle to be let or plied for hire.

28. *Failure to pass tests for driver's license.*—Any person failing to pass the necessary test for a driver's license will not be allowed to appear for a further test until after such period as may be fixed by the licensing authority.

29. *Normal eye-sight.*—No person shall be granted a license to drive a motor vehicle unless the licensing authority is satisfied that his eye-sight is normal.

30. *Duration of license.*—A driver's license shall remain in force from the date on which it is granted until the 31st December following, but shall cease to be in force, if before that date the license to drive is suspended or cancelled.

31. *Transfer and suspension of license.*—A driver shall not transfer or lend his license or badge to any person, and on his license being suspended or cancelled or on the expiry of the term thereof shall surrender his license and badge to the licensing authority within 24 hours of such suspension or cancellation or expiry.

32. *Change of residence.*—As often as a driver changes his residence he shall give written notice thereof to the Superintendent of Police, Western India States Agency, within 2 days after such change.

33. *Driver's dress.*—A driver of a passenger car or cab shall be properly and cleanly dressed.

34. *Rules to be observed by driver.*—No driver of a motor vehicle shall—

- (a) be drunk during his employment;
- (b) make use of any insulting or abusive language or gestures;
- (c) loiter for being hired in or upon any public street or road or place; or stand elsewhere than at some stand or other place appointed for the purpose;
- (d) refuse to give way, when he reasonably should, to any other vehicle;
- (e) wrongfully prevent, or attempt to prevent, the driver of any other motor vehicle from being hired;
- (f) terminate the hiring before he has been discharged by the hirer;
- (g) ply for hire any motor vehicle which is at the time unfit for public use;
- (h) shout in order to attract the attention of the public or of a possible hirer for any other reason or act in such a way as to cause inconvenience or annoyance to the public.

#### SPECIAL RULES FOR PASSENGER CAR OR CAB DRIVERS.

35. *Proper fare to be demanded or charged.*—No driver or owner of a passenger car or cab or agent employed on behalf of such driver or owner shall exact or demand more than the proper fare to which he is legally entitled.

36. *Driver to wear a badge.*—The driver when on duty with his passenger car or cab shall wear in a conspicuous place on his left breast a metal badge which shall be numbered and supplied to him by the licensing authority on payment of the cost.

37. *Passenger car not to stand at certain places.*—No passenger car or cab shall be suffered to stand opposite the entrance of any street or carriage-way in any street or thoroughfare except at the side or part thereof.

38. *When driver bound to accept fare and to ply for hire.*—No driver shall, without reasonable excuse, refuse to accept a fare or without

sufficient reason fail to cause his motor vehicle to ply for hire when required to do so by a police officer.

39. *Driver to proceed by the shortest and quickest route.*—The driver shall, in the absence of reasonable cause to the contrary, proceed to the destination named by the hirer by the shortest and quickest route.

40. *Property left in passenger car.*—The driver of a passenger car or cab, immediately after hiring, shall carefully search for any property accidentally left in it, and shall take the same within 24 hours, if not sooner claimed by the owner, to the nearest police station.

41. *Driver not to do certain acts.*—No driver of a passenger car or cab shall—

- (a) willfully obstruct or hinder the driver of any other motor vehicle in taking up or setting down any person into or from such other vehicle;
- (b) make use of a passenger car or cab in connection with or for the furtherance of prostitution or act as a habitual procurer for prostitutes or live on the earning of prostitutes;
- (c) carry any passenger or luggage in excess of the number of passengers or the quantity of luggage entered on the owner's license.

#### MISCELLANEOUS.

42. *Injury to passenger car or cab.*—No person using a passenger car or cab shall wilfully or negligently injure the same.

43. *Refusal to pay fare.*—No person hiring a passenger car or cab shall refuse or omit to pay the legal fare.

44. *Dispute between passenger and driver.*—In case of a dispute between the passenger and the driver either party may require the other to proceed to the nearest police officer of rank not below that of officer in charge of police station, who shall, if the dispute cannot be settled, obtain the names and addresses of the parties concerned and refer them to the Magistrate having jurisdiction.

45. *Suspension or cancellation of license.*—The licensing authority may in his discretion suspend or cancel any passenger driver's license or Registration Certificate where the holder thereof has committed any breach of these Rules.

46. *Power to refuse Registration Certificate.*—Notwithstanding anything contained in these Rules, if there is anything in the construction, working or general appearance of a motor vehicle, which in the opinion

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of the licensing authority, renders the vehicle unfit for public use a Registration Certificate shall not be issued in respect of such vehicle.

PENALTY.

47. *Penalty for breach of the Rules.*—Any breach of these Rules is on conviction by a Magistrate not lower in rank than a Magistrate of the 2nd class punishable with fine which may extend to Rs. 50 and in respect of a second conviction up to Rs. 100.

[*W. I. S. Agency Gazette*, 1929, p. 100.]









## VII.—Orders under Special Laws.

### PRESS AND REGISTRATION OF BOOKS ACT, 1867.

*Agent to the Governor General to be the officer (a) to whom copies of books and newspapers are to be delivered, (b) to keep catalogue of books.*

No. 1530-A., dated 28th September, 1923.—(a) In exercise of the powers conferred by sections 9 and 11-A of the Press and Registration of Books Act, 1867 (XXV of 1867), as applied to the Political Agency in Kathiawar by Government Notification<sup>1</sup> in the Political Department No. 1530, dated the 28th September, 1923, the Governor in Council is pleased to direct that the <sup>2</sup>[Agent to the Governor General in the States of Western India] shall be the officer to whom and the office of the said Agent the place at which copies of books and newspapers shall be delivered by printers as prescribed by the said sections; and

(b) in exercise of the powers conferred by section 18 of the said Act as so applied to the said area, the Governor in Council is pleased to direct that the <sup>2</sup>[Agent to the Governor General in the States of Western India] shall be the officer by whom and the office of the said Agent the place at which the catalogue of books printed in British India referred to in the said section shall be kept.

[*Bombay Government Gazette*, 1923, Pt. I, p. 2283.]

### CODE OF CIVIL PROCEDURE, 1908.

*Officers to whom notices of orders attaching salaries of Agency servants should be sent.*

No. 59, dated the 29th October, 1927.—In pursuance of Order XXI, Rule 48, Sub-Rule (1) of the Rules in the First Schedule to the Code of Civil Procedure, 1908, as applied to the Western India States Agency by Agency Notification<sup>1</sup> No. 61, dated the 5th October, 1925, the Hon'ble the Agent to the Governor General is pleased to direct that notices of orders attaching salaries or allowances of Gazetted or Non-Gazetted servants employed in the offices of the Western India States Agency specified

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<sup>1</sup> See now Notification No. 36, dated the 13th May, 1929. Printed *supra*, p. 186.

<sup>2</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924—*Gazette of India, Extraordinary*, 1924, p. 351.

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in column 1 of the Schedule hereto annexed shall be sent by Courts of Law to the officers specified in column 2 of the same schedule.

Department or office in which judgment debtor is employed.

Officer to whom  
notice should be  
sent.

1. The Agency Secretariat . . . . .	The Accounts and Finance Officer.
2. The Judicial Commissioner . . . . .	
3. The District and Sessions Judge . . . . .	
4. The Political Agent, Western Kathiawar Agency . . . . .	
5. The Political Agent, Eastern Kathiawar Agency . . . . .	
6. The Residency Surgeon . . . . .	
7. The Executive Engineer . . . . .	
8. The Superintendent of Police . . . . .	
9. The Additional District Magistrate . . . . .	
10. The Superintendent, Agency Prison . . . . .	
11. The Assistant Superintendent of Police . . . . .	
12. The Civil Sub-Judge . . . . .	
13. The Accounts and Finance Officer . . . . .	
14. The Deputy Political Agent, Western Kathiawar Agency . . . . .	
15. The Deputy Political Agent, Eastern Kathiawar Agency . . . . .	
16. The Superintendent, Wadhwan Civil Station Jail . . . . .	
17. The Rajkumar College, Rajkot . . . . .	
18. The Deputy Superintendent, Eastern Division . . . . .	
19. The Educational Officer . . . . .	
20. The Thandar, Lodhika . . . . .	
21. The Thandar, Dhrafa . . . . .	
22. The Thandar, Wadhwan . . . . .	
23. The Thandar, Bhoika . . . . .	
24. The Thandar, Dasada . . . . .	
25. The Thandar, Jhinjhuwada . . . . .	
26. The Thandar, Paliad . . . . .	
27. The Thandar, Chotila . . . . .	
28. The Thandar, Songadh . . . . .	
29. The Thandar, Babra . . . . .	
30. The Thandar, Chok . . . . .	
31. The Thandar, Lakhapadar . . . . .	
32. The Political Agent, Banas Kantha Agency . . . . .	The Treasury Officer, Banas Kantha.
33. The District Deputy Political Agent, Banas Kantha Agency . . . . .	
34. The Huzur Deputy Political Agent, Banas Kantha Agency . . . . .	
35. The Judicial Officer, Deesa Cantonment <sup>1</sup> . . . . .	
36. The Deputy Superintendent of Police, Banas Kantha . . . . .	
37. The Medical Officer in charge, Scott Hospital . . . . .	
38. The Thandar, Kankrej . . . . .	
39. The Thandar, Deodar . . . . .	
40. The Thandar, Warahi . . . . .	
41. The Thandar, Santalpur . . . . .	

[Western India States Agency Gazette, 1928, p. 67.]

<sup>1</sup> Deesa is no longer a Cantonment and has been restored to the Palanpur Darbar.

CO-OPERATIVE SOCIETIES ACT, 1912.

*Appeals to lie to the Agent to the Governor General.*

No. 3492, dated the 14th June, 1915.—In exercise of the powers conferred by section 39 (5) of the Co-operative Societies Act, 1912 (II of 1912), as applied to certain specified areas and estates in the Palanpur Agency by Government Notification<sup>1</sup> No. 3491, dated the 14th June, 1915, the Governor in Council is pleased to direct that appeals under section 39 of the said Act shall lie to the [Agent to the Governor General in the States of Western India].<sup>2</sup>

[*Bombay Government Gazette*, 1915, Pt. I, p. 1548.]

REGISTRATION RULES, 1925.

*Fees payable on registration of wills and authorities to adopt.*

No. 16, dated the 27th March, 1926.—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>3</sup> of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf, the Agent to the Governor General in the Western India States Agency is pleased to prescribe the following table of fees to be paid on the registration of wills and authorities to adopt under the Western India States Agency Registration Rules<sup>4</sup> of 1925 :—

*Table of Fees.*

	Rs.	
(i) For the registration of a will when presented open or of an authority to adopt . . . . .	2	} Besides the expenses of copying the superscription or contents according to the Table of Fees laid down in the Rules.
(ii) For deposits of a sealed cover containing a will . . . . .	2	
(iii) For opening such cover . . . . .	2	
(iv) For withdrawal of such cover . . . . .	2	

[*Western India States Agency Gazette*, 1926, p. 67.]

PREVENTION OF GAMBLING RULES, 1928.

*Application of the Rules to the Banas Kantha Agency.*

No. 106, dated the 14th November, 1928.—In exercise of the authority vested in him by Rule 2 of the Western India States Agency Pre-

<sup>1</sup> Printed *supra*, p. 274.

<sup>2</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924, *Gazette of India*, Extraordinary, 1924, p. 351.

<sup>3</sup> Printed *supra*, p. 158.

<sup>4</sup> Printed *supra*, p. 201.

vention of Gambling Rules, published under Agency Notification<sup>1</sup> No. 39, dated the 25th May, 1928, the Hon'ble the Agent to the Governor General in the States of Western India is pleased to apply the said Rules to the Banas Kantha Agency.

[*Western India States Agency Gazette*, 1928, p. 319.]

*Powers under Rule 6 conferred upon Police Officers.*

*No. 40, dated the 26th May, 1928.*—In exercise of the authority vested in him by Rule 6 of the Western India States Agency Prevention of Gambling Rules published under Agency Notification<sup>1</sup> No. 39, dated the 25th May, 1928, the Hon'ble the Agent to the Governor General in the States of Western India is pleased to invest the Assistant Superintendent of Police and the Deputy Superintendents of Police in Kathiawar with the powers mentioned in the said Rule.

[*Western India States Agency Gazette*, 1928, p. 129.]

*No. 107, dated the 14th November, 1928.*—In exercise of the authority vested in him by Rule 6 of the Western India States Agency Prevention of Gambling Rules published under Agency Notification<sup>1</sup> No. 39, dated the 25th May, 1928, the Hon'ble the Agent to the Governor General in the States of Western India is pleased to invest the Deputy Superintendent of Police, Banas Kantha Agency, with the powers mentioned in the said Rule.

[*Western India States Agency Gazette*, 1928, p. 320.]

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<sup>1</sup> Printed *supra*, p. 269.





## RAJKOT CIVIL STATION.\*

The—

- I.—Statutes,
- II.—Acts of the Governor General in Council and of the Indian Legislature,
- III.—Orders under Statutes,
- IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature,
- V.—Orders relating to Courts, and
- VI.—Special Laws,

cited in the foregoing pages, other than those which apply only to the Banas Kantha Agency or to particular areas in Kathiawar, operate also in the Civil Station of Rajkot, with the exception of the orders cited under the Indian Extradition Act, 1903.

The following are also in force:—

*Powers and duties of Additional District Magistrate, Rajkot.*

*No. 5, dated the 11th January, 1927.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>1</sup> of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf the Hon'ble the Agent to the Governor General in the States of Western India is pleased to direct that the Additional District Magistrate in the Rajkot Civil Station, shall, on and after the 1st day of February, 1927, exercise and perform within the area comprised in the Rajkot Civil Station and the adjoining Military area, all the powers and duties which have heretofore been exercised or performed within the aforesaid areas by the Political Agent, Western Kathiawar Agency, and the Deputy Political Agent, Western Kathiawar Agency, under all notifications, rules or orders whether of the Government of India, or of the Government of Bombay or of the Kathiawar Agency.

Provided that appeals against the assessment of a tax on animals and vehicles under Notification No. 9796, dated the 18th December, 1917 (the Rajkot Civil Station Animals and Vehicles Taxation Rules, 1917), shall be heard and determined by the Political Agent, Western Kathiawar Agency.

\* For a description of the boundaries of the Rajkot Cantonment which was handed over to the Civil authorities on the 18th September, 1928, see Notification No. 964-I., dated the 16th March, 1896, *Gazette of India*, 1896, Pt. I, p. 198.

<sup>1</sup> Printed *supra*, p. 158.



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Provided further that the Political Agent, Western Kathiawar Agency, shall continue to exercise the powers conferred on him by Agency Notification No. 77 of 1924, to grant and sign passports for the residents of the Rajkot Civil Station and the adjoining Military area.

[*Western India States Agency Gazette*, 1927, p. 12.]





## II.—Orders relating to Courts.

### *Establishment of Bench of Honorary Magistrates.*

*No. 34, dated the 9th July, 1927.*—In exercise of the authority vested in him by section 12 of the Code of Criminal Procedure, 1898, the Agent to the Governor General in the Western India States Agency, is pleased until further orders—

- (1) to confer all the powers conferred by the said Code on a Magistrate of the First Class on the following gentlemen respectively in the Rajkot Civil Station area:—

1\* \* \* \* \*

- (2) and in exercise of the authority with which he is invested under section 15 of the said Code, the Agent to the Governor General in the Western India States Agency is pleased to direct that the following Magistrates in the Rajkot Civil Station do sit together as a Bench, viz.:—

(a) *Honorary Magistrates*—

1\* \* \* \* \*

- (3) to invest the said Bench with the powers specified in Part III of Schedule III to the Code of Criminal Procedure, 1898, as the ordinary powers of a Magistrate of the First Class. except, “Power to make orders, etc., in possession cases, sections 145, 146 and 147”,

- (4) to direct that except only in the following classes of cases, namely:—

Offences punishable under—

- (a) Chapter VI, Indian Penal Code (against the States);
- (b) Chapter VII, Indian Penal Code (concerning the Army and Navy);
- (c) Chapter VIII, Indian Penal Code (against the public tranquility);
- (d) Chapter IX, Indian Penal Code (by or relating to public servants);
- (e) Chapter XV, Indian Penal Code (relating to religion);
- (f) Offences designated in column 8 of Schedule II to the Code of Criminal Procedure, 1898, as triable exclusively by the Court of Sessions;

the said Bench shall, within the limits of the Rajkot Civil Station area, exercise the powers hereinbefore conferred on

them in all cases which may be transferred to them by the District Magistrate, or Additional District Magistrate, Rajkot Civil Station area, to whom subject to the general control of the District Magistrate they are subordinate.

(5) The Agent to the Governor General is further pleased, under section 260 of the said Code to empower the said Bench to try in a summary way all or any of the following offences, namely:—

- (a) Offences not punishable with death or transportation or imprisonment for a term exceeding 6 months;
- (b) Hurt under section 323, Indian Penal Code;
- (c) Abetment of any of the foregoing offences;
- (d) An attempt to commit any of the foregoing offences, when such attempt is an offence;
- (e) Insult, with intent to provoke a breach of the peace; section 504 of the Indian Penal Code;
- (f) Criminal intimidation, provided the threat be not to cause death, or grievous hurt, section 506 of the Indian Penal Code.

[*Western India States Agency Gazette*, 1927, p. 212.]

#### *Rules for Bench Magistrates.*

No. 35, dated the 9th July, 1927.—The Hon'ble the Agent to the Governor General is pleased in exercise of the powers conferred by section 16 of the Code of Criminal Procedure, 1898, to make the following Rules for the guidance of the Bench of Magistrates established by Agency Notification No. 34, dated the 9th July, 1927, for the area known as the Rajkot Civil Station:—

#### *Rules.*

1. The Bench will hold its sittings in the Court of the Additional District Magistrate, Rajkot Civil Station, and will ordinarily sit on <sup>1</sup>[Mondays and Tuesdays and] between the hours of 11 A.M. and 5 P.M. but may with the permission of the Additional District Magistrate, sit at such other place and on such other days and times as may from time to time be found necessary or convenient.

2. The Bench shall be presided over by a Chairman or in his absence by a Vice-Chairman. The Chairman and Vice-Chairman shall be appointed by the Hon'ble the Agent to the Governor General.<sup>2</sup>

<sup>1</sup> Amended by Notification No. 80, dated the 10th September, 1928, *Western India States Agency Gazette*, 1928, p. 252.

<sup>2</sup> For appointment of Chairman and Vice-Chairman, see Notification No. 36, dated the 9th July, 1927, *Western India States Agency Gazette*, 1927, p. 214.

3. Three (3) members of the Bench, of whom one must be either the Chairman, or Vice-Chairman, shall form a quorum and for the disposal of any case it shall be necessary that at least three members of the Bench shall have been present from the beginning to the end of the trial or inquiry.

4. In the event of a failure to form a quorum at any sitting, any member of the Bench shall have power to adjourn pending proceedings to another date and to order the attendance, or re-attendance, of witnesses on such date.

5. All questions as to the admissibility of evidence, the adjournment of cases to another date, and any other matters involving interlocutory orders shall, if there is any difference, be decided according to the opinion of a majority of the members present.

6. Similarly, all decisions as to the discharge, acquittal, conviction or commitment of an accused person and the sentence to be passed in the case of a conviction, shall be decided according to the opinion of a majority of the members present throughout the trial or inquiry.

7. In the event of an equality of votes in any case falling under Rules 5 and 6, the Chairman or Vice-Chairman, as the case may be, shall have a casting vote.

8. The Chairman, or in his absence the Vice-Chairman, shall preside over the conduct of all trials or inquiries held by the Bench: and shall either himself make a record of the evidence and keep the proceedings and record judgment or cause this to be done by one or other of the members present. It shall at all times be open to any member to put any question to a witness, or to an accused person, either through the Chairman, or with the Chairman's permission, direct.

9. The judgment, when it is not unanimous, shall be the judgment of a majority of the members present throughout the trial or inquiry, shall be signed by all such members at the time of pronouncement. Any member differing from the opinion of the majority may, however, note the fact on the judgment but shall not record a separate dissenting judgment.

[*Western India States Agency Gazette*, 1927, p. 213.]









### III.—Acts locally applied.

#### KAZIS ACT, 1880.

No. 6249, dated the 14th August, 1912.—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>1</sup> of the Government of India in the Foreign Department, No. 2859-I. A., dated the 19th June, 1903, the Governor in Council is pleased to extend Act XII of 1880 (The Kazis Act, 1880) to the Civil Station of Rajkot and to appoint Mr. Bawamia Ahmedmia to be Kazi under the Act for the Civil Station of Rajkot.

[*Bombay Government Gazette*, 1912, Pt. I, p. 1322, and *Govinden Directory*, Volume I, page 107.]

#### NEGOTIABLE INSTRUMENTS ACT, 1881.

No. 5422, dated the 21st September, 1914.—In exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>1</sup> of the Government of India in the Foreign Department, No. 2859-I. A., dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased, in supersession of all previous orders on the same subject so far as they may be inconsistent with anything herein contained, to apply to the Civil Stations of Rajkot and Wadhwan included in the Political Agency of Kathiawar, the enactment specified in the schedule hereto annexed in so far as the same may be applicable:—

Provided first, that references to British India in the said enactment as so applied shall be held as referring to the said civil stations.

Provided secondly that for the purpose of facilitating the application of the said enactment, any Court in the said civil stations may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court.

Provided thirdly that the Deputy Assistant Political Agents at Halar and Jhalawad shall be Notaries Public for the Civil Stations of Rajkot and Wadhwan, respectively, for the purposes of section 138 of the Negotiable Instruments Act, 1881 (Act XXVI of 1881), and shall be guided by the rules framed by the Governor General in Council under section 139 of the said Act and published in the notification of the Government of India in the Judicial Department No. 1433, dated the 30th September, 1886,<sup>2</sup> so far as they may be applicable.

<sup>1</sup> Now superseded, as regards the Western India States Agency, by Notification No. 472-I., dated the 3rd October, 1924, Printed *supra*, p. 158.

<sup>2</sup> *Gazette of India*, 1886, Pt. I, p. 548.

## THE SCHEDULE.

*Act of the Governor General in Council.*

The Negotiable Instruments Act 1881 (Act XXVI of 1881), as subsequently amended.

[*Bombay Government Gazette*, 1914, Pt. I, p. 2179.]

## PROVINCIAL SMALL CAUSE COURTS ACT, 1887.

*No. 63, dated the 5th October, 1925.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>1</sup> of the Government of India No. 472-I of the 3rd October, 1924, and of all other powers enabling him in this behalf, the Agent to the Governor General in the States of Western India is pleased, in supersession of all previous orders on the subject, to apply the Provincial Small Cause Courts Act, 1887 (No. IX of 1887), to the two Civil Stations of Rajkot and Wadhwan.

Provided that all references in the said act to a Local Government shall be read as referring to the Agent to the Governor General in the States of Western India, references to a High Court shall be read as referring to the Court of Judicial Commissioner in the States of Western India; and except where the context otherwise requires, references to British India, or a Province, or the territories administered by a Local Government, shall be read as referring to the two Civil Stations of Rajkot and Wadhwan, and references to the official Gazette shall be read as referring to the *Western India States Agency Gazette*.

[*Western India States Agency Gazette*, 1925, p. 232.]

## PRISONS ACT, 1894.

*No. 1447-I. A., dated the 2nd June, 1899.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879),\* and of all other powers enabling him in this behalf the Governor General in Council is pleased to apply the provisions of the Prisons Act, 1894 (IX of 1894), to the Civil Station of Rajkot so far as they may be suitable:

Provided that, for the purpose of facilitating the application of the said provisions as so applied, any Court having jurisdiction in the said Civil Station may construe them with such alterations, not affecting the substance as may be necessary to adapt them to the matter before the Court.

\* \* \* \* \*

[*Gazette of India*, 1889, Pt. I, p. 445.]

<sup>1</sup> Printed *supra*, p. 158.

\* See now the Indian (Foreign Jurisdiction) Order in Council, 1902, Printed in Appendix I.

## INDIAN ELECTRICITY ACT, 1910.

*No. 81, dated the 18th November, 1924.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council by the Notification<sup>1</sup> of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf the Hon'ble the Agent to the Governor General in the States of Western India is pleased to apply to the Rajkot Civil Station the enactment named in the first column of the Schedule hereto annexed, in so far as the same may be applicable and subject to any amendments to which the said enactment is for the time being subject in British India :

Provided, firstly, that all references to British India in the said enactment as so applied shall be read as referring to the said Civil Station.

Provided, secondly, that the modifications set forth in the second column of the said Schedule shall be made in the said enactment as so applied.

Provided, thirdly, that for the purpose of facilitating the application of the said enactment, any Court in the said Civil Station may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court.

*The Schedule.*

## Column I.

The Indian Electricity Act, 1910  
(IX of 1910).

## Column II.

(1) The words " The Hon'ble the Agent to the Governor General in the States of Western India " should be read wherever the words " Local Government " occur in the Act.

(2) The words " Local Authority " in the Act shall mean the " The Political Agent, Western Kathiawar States ".

[*Western India States Agency Gazette*, 1924, p. 335.]

## INDIAN AIRCRAFT ACT, 1911.

*No. 8892, dated the 14th December, 1912.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the notification<sup>2</sup> of the Gov-

<sup>1</sup> Printed *supra*, p. 158.

<sup>2</sup> Now superseded, as regards the Western India States Agency by Notification No. 472-I., dated the 3rd October, 1924, Printed *supra*, p. 158.

ernment of India in the Foreign Department, No. 2859-I. A., dated the 19th June, 1903, the Governor in Council is pleased to apply the Indian Airships Act, 1911 (XVII of 1911), to <sup>1</sup>\* \* \* \* \* the Rajkot Civil Station (including the Cantonment), subject to any amendments to which the said enactment is for the time being subject in British India; Provided that the references to British India in the said enactment, as so applied, shall be read as referring to the said Cantonment and the said Civil Station respectively <sup>2</sup>[and that references to a Local Government shall be read as referring to the Agent to the Governor General in the States of Western India].

[*Bombay Government Gazette*, 1912, Pt. I, p. 2239.]

#### INDIAN INCOME-TAX ACT, 1922.

*No. 459-3, dated the 14th December, 1922.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the notification<sup>3</sup> of the Government of India in the Foreign Department No. 2859-I. A., dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased, in supersession of Government Notification in the Political Department No. 4916, dated the 24th June, 1920, to apply, with effect from the 1st April, 1922 and in respect of salaries received by persons who are in the service of and paid by or on behalf of Government or a local authority established in the exercise of the powers of the Governor General in Council to the areas specified in the Schedule hereto annexed, the provisions of the Indian Income-tax Act, 1922 (XI of 1922), in so far as the said provisions may be applicable and subject to any alterations to which the said provisions are for the time being subject in British India:

Provided that in the enactment so applied, references to British India shall, where so required, be read as referring to the said areas, and the Commissioner of Income-tax appointed for the Bombay Presidency by the Governor General in Council under section 5 of the said Act, shall, for the purposes of the said Act, have like authority over the said areas:

Provided further that, for the purpose of facilitating the application of the said Act, any court in the said areas may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court.

<sup>1</sup> Omitted by Notification No. 58, dated the 18th July, 1928, *Western India States Agency Gazette*, 1928, p. 200.

<sup>2</sup> Added by Notification No. 471-I., dated 3rd October, 1924, *Gazette of India, Extraordinary*, 1924, p. 351.

<sup>3</sup> See footnote 2 on preceding page.

SCHEDULE.

*Areas to which the enactment is applied.*

•	•	•	•	•	•
•	•	•	•	•	•

The Rajkot Civil Station and Cantonment (excluding Railway lands).

The Wadhwan Civil Station (excluding Railway lands).

1*	•	•	•	•	•
•	•	•	•	•	•

[*Kathiawar Agency Gazette*, 1923, p. 2.]

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<sup>1</sup> Omitted by Notification No. 27, dated the 2nd April, 1929, *Western India States Agency Gazette*, 1929, p. 86.









## IV.—Local Laws.

*Closure of burial places.*

No. 6470, dated the 28th September, 1903.—In exercise of the powers and jurisdiction delegated by the Governor General in Council by the Notifications<sup>1</sup> of the Government of India in the Foreign Department No. 1975-I. A., dated the 16th May, 1902, and No. 2859-I. A., dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to make the following Rules to regulate the closing of places used for the disposal of the dead in the Rajkot Civil Station, namely:—

- (1) If the <sup>2</sup>Rajkot Civil Station Committee be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, they may submit their opinion, with the reasons therefor, to the <sup>3</sup>Governor in Council, and the Governor in Council thereupon, after such further enquiry, if any, as he shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified on that behalf in the said notification.
- (2) Every such notification, together with a translation thereof in the vernacular, shall be published in the [*Western India States*]<sup>4</sup> *Agency Gazette* and in the Rajkot local newspapers, and shall be posted up at the office of the Rajkot Civil Station Secretary and in one or more conspicuous places on or near the place to which it relates.
- (3) Whoever buries or otherwise disposes of any corpse in any such place after the date specified in any notification made, under Rule 1, for the closure of such place, shall be punishable with fine which may extend to one hundred rupees.

[*Bombay Government Gazette*, 1903, Pt. I, p. 1264.]

*Rajkot Civil Station Public Conveyance Rules 1908.*

No. 7136, dated the 6th November, 1908.—In exercise of the powers and jurisdiction delegated by the Government of India, Foreign Department Notification<sup>1</sup> No. 2859-I.A., dated 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to prescribe in supersession of Notification No. 6407-A., dated the 20th August, 1902, the following revised Regulations relating to

<sup>1</sup> See footnote 2 on p. 493, *supra*.

<sup>2</sup> Now "Officer in charge Rajkot Civil Station".

<sup>3</sup> Now "Agent to the Governor General".

<sup>4</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924, *Gazette of India, Extraordinary*, 1924, p. 351.

public conveyances in the Civil Station of Rajkot under the Kathiawar Agency :—

I. *Definition of public conveyance.*—Every carriage with two or more wheels which shall be used for the purpose of plying or driving for hire within the limits of the Rajkot Civil Station, of whatever form or construction, or by whatever number of horses or other animals the same shall be drawn, shall be deemed and taken to be a public conveyance.

II. *No person to use or let for hire conveyance and not licensed or not numbered.*—No person shall keep or let or drive or cause to be driven for hire any public conveyance within the said jurisdiction without having a license in force for the same granted by the Superintendent of Agency Police, nor if such conveyance be ordinarily let for hire for a period of less than one whole day, unless there be painted or branded on such parts of the said conveyance, as the Superintendent of Police may direct, a number corresponding with that of the license granted for such conveyance, together with the number of passengers it is licensed to carry as follows :—

*Or not having list of fares—Penalty for contravention.*—“ Licensed to carry (     ) passengers only ”; nor unless a board or plate inscribed with such list of rates of fares and affixed in such manner as the Superintendent of Police may direct be attached to such conveyance; and any person keeping or letting or driving or causing to be driven for hire any public conveyance without such license aforesaid or without such number or inscription being legibly painted or branded thereon, or without such list of rates of fares being attached thereto, shall be liable, on conviction before a Magistrate, to a penalty not exceeding Rs. 100 or to simple imprisonment for a period not exceeding three months.

III. *No attendant of public conveyance to ply without license and badges—Penalty for contravention—Proviso.*—No attendant of any public conveyance shall ply or drive for hire or demand or receive any fare for the conveyance of any passenger, unless he shall have received a license from the Superintendent of Police and a metal badge bearing the number of such license, which badge he shall be bound to wear on a conspicuous part of his dress at all times when he may be so plying for hire or pursuing his occupation as such attendant, and if any attendant, who shall not have received a license and badge shall ply or drive for hire or demand or receive any money from any passenger or if any licensed attendant shall fail to wear the badge aforesaid as in this section directed or if he shall permit any other person to wear his badge, he shall for each such offence be punishable on conviction before a Magistrate with fine not exceeding Rs. 20 or in default of payment of such fine shall be liable to simple imprisonment for a period not exceeding one month: Provided that every person other than the licensed attendant who wears the badge is presumed to wear it with the licensed attendant's permission.

IV. *Contents of license.*—Every license shall contain and specify the full name and address of the licensee, the number and class of conveyance for which the license has been issued, the number of horses or other animals by which the conveyance shall be drawn, the number of passengers such conveyance is licensed to carry (and whether it is licensed to ply for hire on fixed stands only or to take up passengers on any or what roads or places and between any and what points), the date on which such license was granted and that on which it will by efflux of time lapse and expire.

V. *Notice to be given of change of residence.*—As often as any licensee shall change his residence he shall give notice thereof in writing, signed by himself, to the Superintendent of Police, and on failure to give that notice within one week after his change of residence he shall be liable to a penalty of Rs. 20.

VI. *Superintendent of Police may grant licenses for public conveyance.*—Licenses issued under section II of these provisions shall usually be granted on the 1st January of each year, but the Superintendent of Police, <sup>1</sup>Kathiawar Agency, may at any time, grant licenses, and shall always at the time of granting every license, and at all other times, when necessary, cause to be painted or branded upon a conspicuous part of every such public conveyance such number and inscription as are required by Section II: Provided that the said Superintendent of Police may, in his discretion, refuse to grant any such license for any conveyance which he may consider to be insufficiently found or otherwise unfit for the conveyance of the public, or to any applicant whom he may consider from youth, bad character, or for other reason unfit to be entrusted with the same.

VII. *Fees for license.*—For every such license there shall be levied a fee in accordance with the class of license granted, as shown in the following scale: (Provided that if any licensee under these rules hold in addition a license for a similar purpose granted by the Rajkot State,<sup>2</sup> it shall be within the discretion of the <sup>3</sup>[Agent to the Governor General] to reduce the amount of the fees herein below mentioned as he may think fit:—

	Rs.	A.	P.
1. Shigrams, phaetons and other vehicles on four wheels licensed to carry not more than six persons including the driver, whether drawn by one or more horses . . . . .	1	0	0
2. Dog-carts, tongas, or similar vehicles on two wheels licensed to carry four persons including the driver . . . . .	0	12	0
3. Horse vehicles on two wheels licensed to carry three persons including the driver . . . . .	0	8	0
4. Bullock-carts on two or more wheels drawn by two bullocks to carry five persons including the driver . . . . .	0	4	0
5. Labour carts to carry goods only . . . . .	0	4	0

<sup>1</sup> Now "Western India States Agency."

<sup>2</sup> By Kathiawar Agency Notification No. 2, dated the 11th February, 1909 (*Kathiawar Agency Gazette*, 1909, p. 27), the scale of fees has been reduced to half in the case of license holders who hold also licenses from the Rajkot State.

<sup>3</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924, *Gazette of India, Extraordinary*, 1924, p. 351.

The balance of such fees, after all necessary contingent or other expenses shall have been defrayed, shall from time to time be credited to the Civil Station Funds.

VIII. *License to be renewed annually—Proviso.*—The Superintendent of Police shall, on or as soon as possible after the 1st day of January in each year renew the licenses and numbers of the said public conveyances on payment of the regulated fee by the licensee: Provided that nothing herein contained shall prevent the Superintendent of Police from altering or changing the number of any such conveyance or from refusing absolutely to renew the license of any conveyance which he may consider to be insufficiently found, or otherwise unfit for its intended purpose, or the owner of which he may consider unfit to be entrusted with such renewed license.

IX. *Power of Superintendent of Police to suspend or revoke licenses—Penalty for plying after suspension of license.*—In the event of any such licensed public conveyance being at any time insufficiently found or appointed or of any driver or attendant of any such public conveyance appearing unfit to be trusted with the charge of the same, or of such conveyance being used for passengers when licensed only for labour, the Superintendent of Police may, in his discretion, suspend or revoke the license and order the number of such conveyance to be erased; and the owner or attendant of any conveyance the license of which shall have been suspended, or the number of which shall have been ordered to be erased as aforesaid, who shall again permit the same to ply or to be driven for hire or ply or drive the same for hire before he shall have obtained a restoration or renewal of such license from the Superintendent of Police and affixed a corresponding number and inscription to such conveyance, shall on conviction before a Magistrate be liable to the penalty prescribed by section II of these rules for keeping or letting for hire any unlicensed public conveyance.

X. *Suspended or revoked licenses to be returned to the Superintendent of Police.*—All licenses which shall have been suspended or revoked by the Superintendent of Police under the authority of the preceding section shall be delivered up to the said Superintendent of Police, by the licensee within twenty-four hours after the suspension or revocation thereof, under penalty, on conviction before a Magistrate, of a fine of Rs. 20 failing payment of which the licensee shall be liable to simple imprisonment for a period not exceeding two months.

XI. *Issue of duplicate or license lost, mislaid or defaced—Power to renew or restore inscription—Fee for renewed license.*—Duplicate licenses may be granted by the Superintendent of Police on proof of the license granted for any public conveyance having been lost or mislaid, or of the particulars written in such license having been accidentally obliterated or defaced; and the said Superintendent of Police may also renew or restore the numbers or inscriptions on public conveyances which shall

have become obliterated; a fee equal to one-half the fee leviable under section VII being previously paid for each license or number renewed or restored under this section, or under section VIII of these rules.

XII.—*Licenses not transferable without sanction of Superintendent of Police endorsed thereon—Responsibility of transferee or licensee—effect of transfer without sanction.*—Licenses issued under these rules may be transferred by or on account of the licensee to any other person with the sanction of the Superintendent of Police, such sanction being duly endorsed on the reverse of such license; and all responsibility of the original licensee after such sanction endorsed as aforesaid shall be attached to the transferee; provided that any transfer without such sanction endorsed shall forthwith render the license null and void.

XIII.—*Registers to be kept—Penalty for misuse of license.*—The Superintendent of Police shall keep registers containing the full particulars of each public conveyance as entered in the license thereof, and any person using or authorising the use of a license, number or inscription, other than for the particular conveyance for which it has been issued, as apparent from the register, shall be liable, on conviction before a Magistrate; to a fine not exceeding Rs. 100 or in default of payment of such fine to simple imprisonment for a period not exceeding three months.

XIV. *Powers to make rules—Rates and Fares to be fixed—Stands to be appointed—Rates and stands to be published.*—The Superintendent of Police,<sup>1</sup> may, subject to the approval of the <sup>2</sup>[Agent to the Governor General] make and publish subsidiary rules not inconsistent with the provisions of these rules for promoting the object of the same and for the better regulation of public conveyances, and the Superintendent of Police shall from time to time fix the rates for the fare or hire of such public conveyances, specifying whether the hire or fare be for the whole conveyance or for one or more passengers, and shall from time to time appoint stands or places at which stands and places alone such public conveyances may stand to ply for hire; and the rates so settled and stands or places so appointed shall, when sanctioned by the <sup>2</sup>[Agent to the Governor General] be published in the <sup>2</sup>[*Western India States Agency Gazette*], and shall thereafter, or until such rates and places shall be again altered by the authorities as aforesaid, be held and taken to be legally fixed and appointed.

XV. *Penalty for carrying passengers in excess or otherwise violating condition of license.*—Any licensee, driver or any attendant of any public conveyance, who shall suffer or permit more passengers to be carried by the same than it is licensed to carry, or shall in any way

<sup>1</sup> For rates of hire and list of stands, see Notifications of the Superintendent, Agency Police, dated 18th June and 28th July, 1909 (*Kathiawar Agency Gazette*, 1909, pp. 125, 126 and 181).

<sup>2</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924, *Gazette of India, Extraordinary*, 1924, p. 351.

infringe or violate any of the conditions of his license shall be liable on conviction before a Magistrate to a fine not exceeding Rs. 50 or in default of payment of such fine to simple imprisonment for a period not exceeding two months.

XVI. *Penalty for concealing number or preventing a person taking note thereof.*—If any licensee, driver or other attendant of any public conveyance shall permit or suffer the number of inscription thereof to be in any manner or by any means concealed from public view, or if any such licensee, driver or other attendant as aforesaid shall in any way attempt to prevent or obstruct any person taking or noting the number of such public conveyance, he shall, on conviction before a Magistrate, be liable for every such offence to a fine not exceeding Rs. 20, or in default of payment of such fine be liable to simple imprisonment for a period not exceeding two months.

XVII. *Penalty for permitting person to ride in public conveyance without consent of hirers.*—If the licensee, or other attendant of any public conveyance, the whole of which has been hired or taken by one or more persons, shall permit or suffer any person to ride or be carried in, upon or about such public conveyance without the express consent of the person or persons hiring the same, such licensee, driver or other attendant, shall, for every such offence, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 20, or in default of payment of such fine be liable to imprisonment as prescribed in the last preceding section.

XVIII. *To carry list of fares, etc.*—Every licensee, driver, or other attendant in charge of any public conveyance shall have with him when plying or driving for hire a clean and legible list in English and Gujrati bearing the name in full of licensee and attendant and showing the rates and fares fixed and appointed to be taken for the fare or hire of his conveyance, with an abstract of the laws relating to public conveyances, and shall, on demand, produce the same for the information of any hirer of, or passenger by, such public conveyance under penalty or conviction before a Magistrate of a fine not exceeding Rs. 20, and in default of payment of such fine, he shall be liable to simple imprisonment for a period not exceeding two months.

XIX. *Lists of rates, and fares, etc., to be prepared in the office of the Superintendent of Police, and issued to applicants.*—The above lists as also lists of rates and fares fixed and appointed for public conveyances and of the stands or places at which the same ply for hire, with an abstract of the law relating to such conveyances and to the licensees and attendants thereof, shall be prepared in the office of the Superintendent of Police and shall be issued to all applicants on payment of a fee of 4 annas for each copy.

XX. *Penalty for refusing to give way to private conveyance or obstructing driver of other public conveyance.*—If any driver or other attendant of any public conveyance shall refuse or neglect to give way

if he conveniently can to any private conveyance, or shall obstruct or hinder the driver or other attendant of any other public conveyance in taking up or setting down any person, into or from any such other public conveyance every such driver or other attendant so offending shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 20 or in default of payment of such fine be liable to simple imprisonment for a period not exceeding two months.

XXI. *Penalty on drivers, etc., for intoxication.*—Every driver or other attendant of any public conveyance who at any time during such employment be intoxicated or shall refuse to obey the reasonable orders of the person or persons hiring or using his conveyance or shall when plying for hire keep the inside of his conveyance dirty shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 20 and in default of payment thereof shall be liable to imprisonment as prescribed in the last preceding section.

XXII.—*Penalty for refusing fare, loitering, demanding excess fare and plying for hire off public stands.*—If the driver or other attendant of any public conveyance plying for hire not being a labour cart, shall demand prepayment of his fare or shall refuse to convey any person desirous of hiring his conveyance or shall refuse or delay to proceed with reasonable expedition, or shall exact or demand for the hire thereof, more than the regulated sum, or shall stand to ply for hire at any place or places other than the stands or places appointed for that purpose, he shall for every such offence on conviction before a Magistrate, be liable to a fine not exceeding Rs. 20, and in default of payment of the same shall be liable to simple imprisonment for a period not exceeding two months.

XXIII. *Arrest in case of hurt or damage negligently or wilfully occasioned—Compensation in addition to punishment.*—The driver or other attendant of any public conveyance who shall by negligence or misconduct, cause any hurt or damage, may be arrested by any person who shall see such offence committed, and be by him made over to a Constable or Police Officer for arraignment before a Magistrate and in addition to such punishment as may thereupon be inflicted under the law in that case made and provided the offender shall pay such reasonable compensation to the complainant as such Magistrate shall see fit to award, and in default of payment thereof, shall be liable to simple imprisonment for a period not exceeding six months.

XXIV. *In case of disputes driver or hirer may be required to proceed to a Magistrate's Court.*—In case of any dispute the hirer of a public conveyance may require the driver or other attendant thereof, and the driver or attendant may require the hirer thereof to proceed forthwith to the Court of a Magistrate where the dispute shall be determined by the Magistrate then sitting. Should such Court be closed either party may require the other to proceed to the Police Officer in charge of the



Station, who shall, if necessary, arrange for the hearing of the complaint at the next sitting of the Court, but if the dispute or complaint take place at a Railway Station, and the hirer be about forthwith to leave Rajkot Civil Station, it shall be competent to the said Police Officer, after hearing both parties, to determine what sum may be due by the hirer, and to demand and receive the same together with, in the case of any sum being in his opinion due for compensation, under section XXIX of these rules, an additional sum of Rs. 10, on payment of which such Police Officer having taken the name and address of the hirer and permitted him to depart, shall thereupon make a report of the dispute or complaint and deliver the money received by him to the Magistrate, who if the claim or complaint of the driver or attendant shall not have been excessive or unjust, may award and pay to the said driver or attendant the amount thereof, not being in excess of the total amount received and delivered by the Police Officer, but if any offence shall appear to have been committed against the hirer by the driver or attendant the owner and driver or attendant shall have no claim to hire or compensation and the Magistrate shall likewise inquire into such offence, and on proof of the same shall adjudge punishment or otherwise proceed according to law, and in either case the Magistrate having given notice to such hirer shall on demand return to him the sum paid by such hirer to the Police Officer or such surplus as may remain thereof.

XXV. *Licensee bound when required by Police Officer to ply for hire—Penalty for refusal.*—Every licensee of any public conveyance under these rules shall be bound, whenever required by a Police Officer to do so, to cause the same to ply for hire, and every driver or attendant shall when so required continue to exercise his calling in the customary manner, and for any refusal or failure to comply with such requisition without reasonable cause proved, such licensee, driver or attendant shall be liable on conviction before a Magistrate to a fine not exceeding Rs. 50.

XXVI. *On information of offence licensee may be summoned to produce driver, etc.—Penalty for default—Proceeding ex-parte.*—When any information or complaint shall be made before any Magistrate against the driver or other attendant of any public conveyance for any offence committed by him in the exercise of his vocation, against any of the provisions of these rules, such Magistrate may forthwith and from time to time summon the licensee of such public conveyance to appear and produce such driver or other attendant to answer such information or complaint, and if any such licensee shall neglect or refuse personally to appear or to produce such driver or other attendant according to such summons, without a reasonable excuse to be allowed by a Magistrate before whom he ought to appear according to such summons, he shall be liable to fine not exceeding Rs. 50 and it shall be lawful for such Magistrate to hear and determine the said information or complaint in the absence of the said licensee, driver or other such attendant as aforesaid.

and upon satisfactory proof of such offence to give judgment against such person for the penalty incurred by reason of such offence.

XXVII. *Fines and awards how levied.*—Pecuniary fines, penalties, or awards, levied, imposed or made under these rules may be levied by distraint and sale of the offender's moveable property, under warrant of the Magistrate who has inflicted the punishment, and if any driver or other attendant shall fail to pay any fine, penalty or award, for which commutation by imprisonment shall not have been awarded, the same may be levied by distraint and sale of the moveable property of the licensee of the public conveyance of which the offender was an attendant. And in cases wherein imprisonment shall have been adjudged in commutation, the offender shall at any time be released upon paying such proportion of the fine as shall equal the proportion of his whole term of imprisonment still unexpired.

XXVIII. *Penalty for refusing to pay legal fare—Compensation to drivers.*—If any person shall refuse or omit to pay to the driver or other attendant of any public conveyance the lawful fare due to him for the hire or fare of such public conveyance, it shall be lawful for any Magistrate upon complaint of the same being preferred and upon proof of the fact made upon oath or solemn affirmation before him, to award reasonable satisfaction to the party so complaining for his fare, and also a reasonable compensation for his loss of time in attending to make and establish his complaint and in default of payment to sentence the defaulter to simple imprisonment for a period not exceeding one month.

XXIX. *Penalty for injury to public conveyance—Compensation.*—If any person using a public conveyance under these rules shall wilfully or negligently injure the same, he shall be liable on conviction before a Magistrate, to a fine not exceeding Rs. 20 and shall also pay to the owner of the public conveyance compensation for the injury the amount of the compensation to be fixed by the Magistrate and to be recovered as a fine.

XXX. *Magistrate may award compensation to driver in case of groundless complaint.*—If the driver or other attendant of any public conveyance, not having previously offered his conveyance for hire to the person desirous of hiring it, shall, in civil and explicit terms, declare to such person that his conveyance is actually hired, and shall afterwards notwithstanding his reply, be proceeded against for refusal to carry such person in his said conveyance and shall upon the hearing of the complaint produce sufficient evidence to prove that such conveyance was at the time actually and *bonâ fide* hired, and it shall not appear that he used any uncivil language, or that he had offered his conveyance for hire to or improperly conducted himself towards, the party by whom he shall be so proceeded against or if the person who had proceeded against him shall not appear to prosecute his complaint, the Magistrate before whom such driver or other attendant shall be brought may order such

person to make the driver or other attendant such compensation for his loss of time in attending to make his defence to such complaint, as the Magistrate may deem reasonable and in default of payment may sentence him to simple imprisonment for a period not exceeding one month.

XXXI. *Property left in public conveyance to be deposited—Restoration to owner—Penalty for not depositing.*—All property left in any public conveyance licensed under these rules shall be forthwith deposited by the driver or attendant, as the case may be, in the office of the Superintendent of Police. Such property shall be returned to the person who shall prove to the Superintendent of Police that the same belonged to him, on payment of all expenses reasonably incurred and of such reasonable sum to the driver or attendant as the Superintendent of Police may award, and any driver or other attendant of any public conveyance licensed under these rules who shall neglect so to deposit all property left in a public conveyance shall be liable, on conviction before a Magistrate, to a fine not exceeding Rs. 50 and in default of payment of the same to simple imprisonment for one month or to both.

XXXII. *Police Officer may arrest without warrant a person offending in his view and may seize and detain public conveyance when necessary.*—Any Police Officer or constable may arrest without a warrant any person committing in his view any offence against these rules and may seize and detain in any place of safety, until judgment shall be given in the case, any conveyance which, for the better fulfilment of the intent and meaning of these rules, it may be necessary so to seize and detain.

XXXIII. *Definition of Magistrate.*—The Magistrate referred to in the preceding section shall be a Magistrate exercising powers not less than those of a First Class Magistrate.

XXXIV. *Conviction under the rules final.*—No conviction under these rules shall be open to appeal or reversal by any other Court.

XXXV. *Construction.*—Attendants on public conveyances licensed under these rules include drivers and any other conductors.

[*Bombay Government Gazette*, 1908, Pt. I, p. 1968.]

### *Rajkot Civil Station Market Rules, 1912.*

No. 6493, dated the 28th August, 1912.—In exercise of the powers under the Indian (Foreign Jurisdiction) Order in Council, 1902, delegated by the Notification<sup>1</sup> of the Government of India in the Foreign Department, No. 2859-I. A., dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to prescribe the following rules for the Civil Station of Rajkot in Kathiawar:—

1. *Extent and short title.*—These rules shall apply to the Rajkot Civil Station and may be called the Rajkot Civil Station Market Rules, 1912.

<sup>1</sup> See footnote 2 on p. 493, *supra*.

2. *Authority under the rules.*—The <sup>1</sup>Deputy Assistant Political Agent, <sup>2</sup>[Western Kathiawar,] herein referred to as “the said authority”, shall by virtue of his office be the authority for the purpose of these rules and shall act under the general or special orders of the <sup>2</sup>Political Agent of the said Prant, subject to the general control of the <sup>2</sup>[Agent to the Governor General in the States of Western India].

3. *Markets.*—No person shall use or permit to be used as a market for the sale of fruit, vegetables or meat intended for human food any place other than a market established or maintained for such purpose by the said authority.

4. *Slaughter-houses.*—No person shall use or permit to be used as a slaughter-house any place other than a place established or maintained for such purpose by the said authority; and, except with the special permission of the said authority, no person shall slaughter any four-footed animal in any other place.

5. *Sellers in markets and butchers in slaughter-houses to be licensed.*—No person shall sell or expose for sale any article in any market established or maintained by the said authority and no person shall slaughter any animal in any slaughter-house so established or maintained, except under and in accordance with the conditions of a license granted to such person in this behalf by the said authority.

6. *License required for sale of certain articles in places other than markets.*—No person shall sell or expose for sale any fruit, vegetables or meat intended for human food in any place other than a market established or maintained by the said authority except under and in accordance with the conditions of a license granted in this behalf to such person by the said authority.

7. *Inspection of animals and meat at slaughter-houses. Meat not slaughtered in Station slaughter-houses not to be sold.*—(1) No animal shall be slaughtered in any slaughter-house established or maintained by the said authority unless such animal has been inspected and certified as apparently fit for human food by the person appointed in this behalf by the said authority.

(2) No portion of any animal so slaughtered shall be sold for human food unless the same has been inspected and certified to be fit for human food by the person so appointed in this behalf.

(3) Except with the special permission of the said authority, no person shall sell or expose for sale for human food the flesh of any four-footed animal which has not been slaughtered at a slaughter-house established or maintained by the said authority.

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<sup>1</sup> Now “Officer in charge, Rajkot Civil Station”.

<sup>2</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924, *Gazette of India, Extraordinary*, 1924, p. 351.

8. *Certain articles not to be sold if unfit for food.*—No person shall sell or expose for sale any fruit, vegetables, animal, meat or fish intended for human food, which is not in a sound and wholesome condition and fit for human food.

9. *License required for manufacture of aerated water and ice.*—No person shall manufacture any aerated water or ice except under and in accordance with the conditions of a license granted in this behalf by the said authority.

10. *False weights and measures.*—No person shall use or have in his possession in any place used for the sale of articles of human food any false or defective weights or measures or any weights or measures by which the public may be defrauded.

11. *Control of markets and slaughter-houses; rents and fees.*—(1) All markets and slaughter-houses established or maintained by the said authority, shall be under the regulation and control of the said authority, and all persons resorting to the same, whether for the purpose of buying or selling or for any other purpose, shall observe all reasonable orders and directions made or issued by the said authority for the proper management of the same.

(2) It shall be lawful for the said authority to charge fees or rents for the use of stalls or other places in such markets and slaughter-houses and for licenses and permissions granted under these rules.

(3) It shall be lawful for the said authority to appoint a person for the weighing of grain and other articles brought for sale to any market established under these rules and to prescribe the conditions subject to which such person shall perform such duty.

12. *Inspection.*—The said authority and any person duly authorized by the same may at all reasonable times enter any place in which there may be reason to suspect the commission of any breach of these rules with respect to the slaughtering of animals or sale of food or weights and measures, and may inspect any article exposed or offered for sale or sold for human food, and may seize any animals or article with respect to which there is reason to believe that a breach of these rules has been committed. Any article or animal seized under this rule shall at once be taken before a magistrate who shall dispose of the same in the manner hereinafter mentioned.

13. *Penalty.*—Any person committing a breach of any of these rules or of any condition of a license or permission granted under these rules, shall be liable on conviction by a magistrate to a fine not exceeding Rs. 25 or in the case of a second or any subsequent such breach, to a fine not exceeding Rs. 100.

14. *Powers of Magistrate.*—Where any animal or article to which these rules apply has been seized and brought before a magistrate, if the magistrate after such enquiry as may be necessary finds that such animal

or article is in an unsound or unwholesome condition and unfit for human food, he may order the same to be destroyed or otherwise to be disposed of as may appear proper.

15. *Suits barred.*—No suit shall lie against any person for anything done, or in good faith purporting to be done, under these rules.

[*Bombay Government Gazette*, 1912, Pt. I, p. 1455.]

### *Schedule of License fees, 1915.*

*No. 92, dated the 22nd July, 1915.*—The following revised schedule of certain license fees to be levied in the Rajkot Civil Station will come into force from 1st August, 1915.

#### *Schedule of license fees.*

For all licenses or permission granted by the Deputy Assistant Political Agent, Halar :—

1. For setting up a booth or platform or placing a bench or benches on a public road, lane, street or place for the purpose of marriage or other ceremonies. Annas 4 to rupee 1 per day.
2. For depositing building or carpentry materials or any such things erecting scaffolding upon or on any public road, lane, street or public place. <sup>1</sup>[Annas 4 per diem per each unit of 500 square feet or less and annas 4 per diem per each additional 100 square feet or less.]
3. For digging earth or clay for building purposes or moorum in any public ground. 3 pies per cart load, or 12 donkey loads.
4. For quarrying stones . . . . . 1 anna per cart load or 12 donkey loads.

[*Kathiawar Agency Gazette*, 1915, p. 182.]

### *Rajkot Civil Station Land Rules, 1915.*

*No. 5154, dated the 30th August, 1915.*—In exercise of the powers under the Indian (Foreign Jurisdiction) Order in Council, 1902, delegated by the Notification<sup>2</sup> of the Government of India in the Foreign Department, No. 2859-I. A., dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to direct that the following rules shall be substituted for those sanctioned in Government Resolution, Political Department, No. 5214, dated the 24th July, 1899, and published in the notification of the Kathiawar Political Agency, No. 65, dated the 19th August, 1899 :—

1. The tenure of land held under an authorised sale, grant or lease shall be regulated by the conditions of such sale, grant or lease, subject to all lawful rules or orders for the time being in force and not inconsistent with the same.

<sup>1</sup> Substituted by Notification No. 5, dated the 11th January, 1928, *Western India States Agency Gazette*, 1928, p. 27.

<sup>2</sup> See footnote 2 on p. 493, *supra*.

2. *Lands held on sufferance.*—Lands held under a quasi-cantonment grant or on a tenancy-at-will or otherwise on sufferance are liable as heretofore to resumption at one month's notice, and subject to the following rules ground-rent shall be levied on all such lands at a rate to be fixed by the <sup>1</sup>Agent to the Governor, Kathiawar. Liability for such rent shall commence from the date of the publication of these rules in the *Kathiawar Agency Gazette* and it shall be payable annually in advance on demand made by notice over the signature of the <sup>2</sup>Political Agent, Halar Prant in Form C appended to these rules.

3. (1) Any person holding on a lease for a definite period of years shall be entitled on application to the <sup>2</sup>Political Agent, Halar Prant, to be granted a permanent lease in Form A appended to these rules.

(2) Any person holding land under a quasi-cantonment grant or on a tenancy-at-will or otherwise on sufferance may at the discretion of the <sup>2</sup>Political Agent, Halar Prant, be granted a permanent lease in Form A appended to these rules either with or without payment of premium: provided that where a portion only of the holding is held on sufferance and the rest is held under an authorised sale the <sup>1</sup>Agent to the Governor may sell such portion as is held on sufferance-tenure to the holder on the terms on which he holds the rest of the holding.

4. *Grants of unoccupied land.*—Unoccupied land may be granted for the purpose of building on a permanent lease in Form A appended to these rules at the discretion of the <sup>1</sup>Agent to the Governor, either with or without payment of premium, or where the land is required for a Chief's Uttara may be sold to the Darbar.

5. *Settlement and revision of rent.*—(1) The rent charged under rule 2 on land held on sufferance and under rules 3 and 4 on land leased shall be fixed by the <sup>1</sup>Agent to the Governor, Kathiawar, with such limits as may be directed by Government. Such rent shall, in the case of land held on sufferance, be liable to revision at any time without notice, but in the case of land for which a permanent lease has been granted shall be liable to revision at the expiration of every period of 50 years from the date of the lease.

(2) The rent chargeable under rules 3 and 4 in respect of permanent lease may be commuted for a period of 50 years at the option of the holder (to be exercised within the first year of the permanent tenancy) by a lump payment of 21 times the annual rent.

6. *Land for temporary purposes.*—The <sup>1</sup>Agent to the Governor, Kathiawar, may in his discretion as heretofore permit on such terms as he may think fit, the occupation of unoccupied land for short periods and for purely temporary purposes. Such permission shall convey no right

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<sup>1</sup> Now "Agent to the Governor General in the States of Western India".

<sup>2</sup> Now "Officer in charge, Rajkot Civil Station".

in the land and such land shall be resumable at any time without any compensation whatever and at the discretion of the <sup>1</sup>Agent to the Governor, Kathiawar.

7. *Rent free land.*—Ground rent shall not be charged—

- (a) on land authorizedly set apart for religious and charitable purposes or for cemeteries;
- (b) on land occupied by or appurtenant to Agency Buildings, and to public buildings such as the Memorial Institute, Rajkumar College and the other Central Educational Institutions;
- (c) on premises attached to buildings used as Chiefs' Uttaras before the introduction of these rules.

The exemptions referred to in this rule shall continue so long as such land or buildings are not used for any purpose other than that in respect of which the exemption is hereby granted.

8. *Kathiawar Cricket Club.*—The existing arrangements and terms under which certain land has been assigned for the purposes of recreation to the Kathiawar Cricket Club will be allowed to continue.

9. *Land for cultivation.*—Land used for cultivation will for so long as such land may not be required for any other purpose continue to be leased at special rates as hitherto, such rates being subject to revision (but not so as to vary the conditions of an existing lease) as the <sup>1</sup>Agent to the Governor, Kathiawar, subject to any special orders which may be issued by the <sup>1</sup>Governor in Council in this behalf may from time to time determine.

10. *Recovery of rent.*—Any rent, rate or other charge due in respect of land referred to in these rules shall be recoverable as a revenue demand.

11. *Sanads.*—All persons holding land in virtue of a sale or permanent grant or lease shall receive from the <sup>2</sup>Political Agent, Halar Prant, a Sanad in Form B appended to these rules, specifying the area and boundaries of their holding and the nature and condition of tenure. Corresponding particulars shall be entered in a register kept for the purpose. The fee leviable for a Sanad shall be Rs. 5 or in case of holdings of which the area is less than 250 square yards, Re. 1, such sums being recoverable in case of default as a revenue demand: Provided that no Sanad shall be required or granted in the case of permanent leases given under rules 3 and 4.

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<sup>1</sup> Now "Agent to the Governor General in the States of Western India".

<sup>2</sup> Now "Officer in charge, Rajkot Civil Station".



<sup>1</sup>[12. (1) Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, landlord or tenant of the land, or assignee of the rent or revenue of the land in respect of which a Sanad has been granted under these Rules or under the Land Rules heretofore in force or of land held on permanent lease under Rules 3 and 4, shall give notice thereof to the Officer in charge, Rajkot Civil Station, of the acquisition of such right within three months from the date of such acquisition.

*Explanation I.*—The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882.

*Explanation II.*—A person in whose favour a mortgage is discharged or extinguished or lease determined, acquires a right within the meaning of this Section.

(2) The notice required by Rule 12 (1) shall be in such form and contain such particulars as the Agent to the Governor General may prescribe. The original deed grant (if any) and the Sanad or lease shall be produced for the inspection of the Officer in charge, Rajkot Civil Station. Any person infringing any of the provisions of this Rule shall be liable to fine not exceeding Rs. 50 which may be imposed by the Officer in charge, Rajkot Civil Station, and recovered as a revenue demand.

(3) In the case of transfer of any of the rights referred to in Rule 12 (1) by order of a Court, the Court shall communicate the necessary particulars of the same to the Officer in charge, Rajkot Civil Station.

(4) Acquisition of any right in respect of land, other than the land referred to in Rule 12 (1) above, will not be recognised except with the previous sanction in writing of the Agent to the Governor General. Any transfer of right in contravention of this Rule shall be null and void and the land shall be resumable at any time without compensation. The provisions of this sub-rule do not apply to land referred to in Rules 7, 8 and 9 the tenure of which shall be regulated by the conditions of the grant.]

13. *Savings.*—Neither liability nor exemption from liability to rent under these rules shall debar the levy of a rate on lands or buildings for local or municipal purposes, but no such rate shall exceed a maximum to be fixed by the <sup>2</sup>Governor in Council in this behalf.

14. *Resumption for public purposes.*—Nothing contained in these rules shall preclude the resumption by the <sup>2</sup>Governor in Council of any

<sup>1</sup> Substituted by Notification No. 6, dated the 29th January, 1929. *W. I. S. Agency Gazette*, 1929, p. 23.

<sup>2</sup> Now "Agent to the Governor General in the States of Western India".

land for a public purpose. In case of such resumption full compensation will be payable—

- (a) where the land is held on a Sanad under these rules or the land rules heretofore in force or on a permanent lease granted under these rules, for all the holder's rights in the land and the buildings thereon;
- (b) where the land is held on sufferance for all authorised structure thereon.

15. *Repeal.*—The Rules of the Rajkot Civil Station Land Rules published in Notification No. 65, dated the 19th August, 1899, of the Kathiawar Political Agency, are hereby repealed.

16. *Short title.*—These rules may be called the Rajkot Civil Station Land Rules, 1915.

#### FORM A.

(See Rules 3 and 4.)

THIS INDENTURE made the                      day of                      one thousand nine hundred and                      between the Secretary of State for India in Council (hereinafter called "the lessor", which expression shall where the context admits include his successors in office and assigns) of the one part and                      of (hereinafter called "the lessee" which expression shall where the context admits include his heirs, executors, administrators, representatives and assigns) of the other part.

<sup>1</sup>[WHEREAS the lessee has been in possession of) the piece or parcel of land in the Rajkot Civil Station in the Western India States Agency, containing by admeasurement                      square yards be the same a little more or less (which piece or parcel of land is particularly described in the schedule attached hereto and is hereinafter referred to as "the said land");

<sup>2</sup>[AND WHEREAS the lessee has applied to the Officer in charge, Rajkot Civil Station, for permission to occupy the said land in perpetuity];

<sup>3</sup>[AND WHEREAS the lessee has paid the sum of Rs.                      by way of premium for this lease];

AND WHEREAS the said application has received the sanction of the said Officer in charge, Rajkot Civil Station;

NOW THIS INDENTURE WITNESSETH that in consideration of the [premium]<sup>3</sup> rents and covenants on the part of the lessee herein reserved and contained, the lessor hereby leases to the lessee the said land;

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<sup>1</sup> In the case of unoccupied land where the land is to be given on a permanent lease the following should be substituted for the bracketted portion:—

"Whereas the lessee has applied for permission to occupy in perpetuity".

<sup>2</sup> To be omitted in the case of unoccupied land to be given on a permanent lease.

Omit this if no premium paid.

EXCEPT and reserving to the lessor all mines and minerals with free access to cut, work and carry away the same;

To hold the said land to the lessee in perpetuity yielding and paying therefor unto the lessor annually in advance within the period specified in the notice of demand to be issued to him over the signature of the Officer in charge, Rajkot Civil Station, the sum of Rs.

( rupees) being the ground-rent lawfully payable at the date of these presents in respect of the said land :

Provided that the said ground-rent shall be liable to revision at the expiration of every period of fifty years from the date of this lease to such extent as may then be determined by the Hon'ble the Agent to the Governor General in the States of Western India:

Provided also that nothing herein contained shall operate as a bar to the levy of any rate which shall not exceed a maximum to be fixed by the Hon'ble the Agent to the Governor General in the States of Western India in this behalf, on lands or buildings for local or municipal purposes.

AND the lessee hereby covenants with the lessor as follows, namely:—

- (1) to well and truly pay or cause to be paid unto the lessor at the office of the Officer in charge, Rajkot Civil Station, or such other place as shall be required on the part of the lessor and within the period prescribed in the notice of demand issued to him over the signature of the Officer in charge, Rajkot Civil Station, the yearly ground-rent payable as aforesaid;
- (2) to pay and discharge all rates and charges for local and municipal purposes hereinbefore mentioned which at any time may be or become due or payable in respect of the said land or any buildings or erections now built or to be built or erected thereon;
- (3) to obey and submit to all lawful rules or orders of Government now existing or hereafter to exist in the Rajkot Civil Station so far as they are incidental to the possession and use of immoveable property or to buildings and the erection of buildings or so far as they affect the health, safety or convenience of the inhabitants of the place:

PROVIDED ALWAYS and it is hereby agreed as follows:—If the said land or any portion thereof shall be required by the lessor for any public purpose, the Officer in charge, Rajkot Civil Station, may by notice in writing to the lessee re-enter upon the said land or portion thereof, paying full compensation for all the lessee's rights in the said land and the buildings thereon.

AND the lessor hereby covenants with the lessee that the lessee paying the ground-rent and all rates from time to time due upon the said land

and performing all the covenants on the part of the lessee herein contained may quietly hold the demised premises in perpetuity without any interruption by the lessor or any person claiming under him.

AND IT IS HEREBY FURTHER agreed by and between the parties hereto as follows, namely:—

- (1) The lessee shall be at liberty to commute the ground-rent payable in respect of the demised premises for any period of fifty years by a lump payment of twenty-one times the amount of the ground-rent payable annually during such period:

Provided that such option is exercised by the lessee within one year from the commencement of any such period;

- (2) In the event of the death of the lessee, any person acquiring a right to the said land by succession, survivorship or inheritance, or in the case of the transfer of any interest in the said land by sale, gift, or mortgage or exchange by the lessee;

and the intended transferee shall give notice thereof in writing, in the manner prescribed in the Rajkot Civil Station Land Rules for the time being in force, to the Officer in charge, Rajkot Civil Station.

AND IT IS LASTLY agreed and declared that the provisions of the Rajkot Civil Station Land Rules, 1915, published in the Notification No. 5154, dated the 30th August, 1915, of the *Kathiawar Agency Gazette*, or other rules relating to land in the Rajkot Civil Station for the time being in force shall apply to the said land.

IN WITNESS WHEREOF the Secretary to the Hon'ble the Agent to the Governor General in the States of Western India hath by order of the Hon'ble the Agent to the Governor General in the States of Western India set his hand and seal on behalf of the Secretary of State for India in Council and the lessee hath hereto set his hand the day and the year first above written.

#### SCHEDULE.

The piece or parcel of land measures                      square yards in superficial area be the same a little more or less in the Rajkot Civil Station bearing No.                      and measuring from North to South                      feet, and from East to West                      feet, be the same a little more or less and is bounded as follows, namely:—

On the North by

On the South by

On the East by

On the West by

And is for greater clearness delineated on the plan hereto attached and signed by the executive parties.

Signed and sealed by the Secretary to the Hon'ble the Agent to the Governor General in the States of Western India on behalf of the Secretary of State for India in Council in the presence of

Signed by the Lessee in the presence of

### FORM B.

#### FORM OF SANAD.

(See rule 1.)

#### THE SECRETARY OF STATE FOR INDIA IN COUNCIL.

Whereas under the Rajkot Civil Station Land Rules, 1915, published in the *Kathiawar Agency Gazette*, dated the 30th September, 1915, the piece of land hereinbelow described, namely:—

As per rough  
ground plan.

Total area in  
square yards.

A piece or parcel of land within the limits of the Rajkot Civil Station in the Kathiawar Political Agency, bearing Survey No. (if any), and measuring from North to South feet and from East to West feet, and bounded as follows, namely:—

On the North

On the South

On the East

On the West

is held by you (

under a duly authorized sale  
grant (here state which it is), dated the  
lease  
day of .

Station  
Secretary,  
Rajkot Civil  
Station.

It is hereby declared that the said land shall under and subject to the provisions of the Rajkot Civil Station Land Rules aforesaid be continued to you and your lawful heirs, executors or administrators on the following conditions:—

<sup>1</sup>Same as those laid down in the Sale Certificate dated the and in particular, that the said land shall be liable to resumption at any time if required by the vendor  
lessor for a public purpose on notice in writing

<sup>1</sup> (Here state the conditions of the sale, grant or lease.)

given by the Officer in charge, Rajkot Civil Station, and also that in case of any transfer by sale, gift or mortgage or exchange of your interest in the said land, you and the intended transferee, or in the event of your death, any person acquiring a right to the said land by succession, survivorship or inheritance, shall give notice thereof in writing to the Officer in charge, Rajkot Civil Station, in the manner prescribed in the said rules.

This Sanad is executed on behalf of the Secretary of State for India in Council by and under the hand and seal of  
Officer in charge, Rajkot Civil Station, this                      day of  
192      and the said                      has affixed his signature  
beneath this as evidence that he accepts the above sale on the terms and  
grant conditions aforesaid.

OFFICE OF THE STATION SECRETARY, }  
RAJKOT CIVIL STATION,                      }  
Dated                      192 . }

Officer in charge,  
Rajkot Civil Station.

# RAJKOT CIVIL STATION.

Permit No.              for the temporary occupation of land.

Name of grantee:—

Frontage of land granted.

Area.

Description: It is bounded—

On the North by

On the South

On the East

On the West

Rent payable yearly in advance (                      ).

Officer in charge,  
Rajkot Civil Station.

The conditions under which the above grant is made are stated on the reverse of this permit.

*Conditions.*

1. The person to whom this permit is granted, may reside on the site above described and may erect.

2. In default of any instalment of Quit rent and other taxes which are now levied or at the pleasure of the Officer in charge, Rajkot Civil Station, without any reason being assigned, the land herein granted may at any time be resumed, and any sheds erected on it may be removed by the Station Secretary, Rajkot Civil Station, at the cost of the grantee.

3. This permit gives no title to the grantee who cannot assign, alienate, mortgage or in any way transfer the land to any other person.

4. No new sheds on the vacant land shall be erected by the grantee, nor any additions or erections of any sort be made, without the permission of the Officer in charge, Rajkot Civil Station.

5. The lands and sheds occupied shall be kept clean by the grantee and the Civil Station Secretary and his subordinates shall have the right of entering and inspecting them at any time.

RAJKOT CIVIL STATION,	}	I agree to the above conditions.
<i>Dated</i> 191 .		

*i.e.*, grantee.

[*Bombay Government Gazette*, 1915, Pt. I, p. 2255.]

*The Rajkot Civil Station Conservancy Rules, 1916.*

*No. 1082, dated the 12th February, 1916.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification<sup>1</sup> of the Government of India in the Foreign Department No. 2859-I. A., dated the 19th June, 1903, and of all other powers enabling him in this behalf the Governor in Council is pleased, in supersession of the rules published in the Notification of the Kathiawar Political Agency No. 14 of 1897, dated the 18th February, 1897, and of all subsequent amendments thereof, to apply to the areas hereinafter specified the following rules, namely:—

## PART I.

## DEFINITION AND PROHIBITION OF NUISANCES.

1. *Nuisance.*—"Nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or

<sup>1</sup> See footnote 2 on p. 493, *supra*.

offence to the sense of sight, smelling or hearing or which is or may be dangerous to life or injurious to health or property.

2. *Depositing dust, etc.*—Whoever deposits, or causes or permits any member of his family or household or servant to deposit, any dust, dirt, dung, ashes, garden, kitchen or stable refuse, or filth of any kind, or any animal matter, or any broken glass, or earthenware or other rubbish, or any other thing, that is, or may be a nuisance, in any street, road or compound or any public quarry or on any river bank, except at such places and in such manner and at such hours as shall be fixed by the executive authority from time to time, and whoever obeys or permits any member of his family or household to obey the calls of nature in any street, road or compound, shall be liable to the penalty hereinafter provided.

3. *Discharging sewage, etc.*—Whoever causes or allows the water of any sink or sewer or any other offensive liquid or other matter from his premises or from his land to run, drain or be thrown or put upon any street, road or compound or causes or allows any offensive matter from any privy to run, drain, or be thrown into a surface drain in any street, road or compound, shall be liable to the penalty hereinafter provided.

4. *Non-removal of filth.*—Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than 24 hours or otherwise than in some proper receptacle any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom to the places or carts specially provided for the purpose and to cleanse and purify the same, or keeps or allows to be kept in or upon such building or land any animal in such a way as to be a nuisance, shall be liable to the penalties hereinafter provided.

5. *Removal of night-soil.*—The executive authority may from time to time fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter; and when he has fixed such hours and given public notice thereof by beat of “batakee”, whoever removes or causes to be removed along any street, road or compound any such offensive matter at any time except within the hours so fixed, or whoever at any time whether such hours have been fixed by the executive authority or not uses for any such purpose, any cart, carriage, receptacle or vessel not having a covering proper for preventing the escape of the contents thereof and of the stench therefrom, or who wilfully or negligently slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or who places or sets down in any public places any vessel containing such offensive matter, or who



drives or takes or causes to be driven or taken any cart, carriage, receptacle, or vessel used for any such purpose, as aforesaid, through any street, road or compound or by any route other than such as shall from time to time be appointed for that purpose by the executive authority by public notice, shall be liable to the penalty hereinafter provided.

6. *Filthy building, etc.*—(1) Whoever, being the owner or occupier of building or land whether tenantable or otherwise, suffers the same to be in a filthy or unwholesome state, or in the opinion of the executive authority a nuisance to persons residing in the neighbourhood, or overgrown with rank and noisome vegetation and who shall not, within 24 hours after notice in writing from the executive authority to cleanse, clear or otherwise put the same in proper state, have complied with the requisition contained in such notice, shall be liable to the penalty hereinafter provided.

(2) The executive authority may by notice in writing require any person being the owner or occupier of any premises to remove within such period, not being less than one month, as may be stated in the notice, any cactus, prickly pear, milk-bush, aloe or other plant growing as a hedge or fence round any portion of such premises, as may in the opinion of the executive authority promote insanitary conditions, and he may further require that on the removal of such hedge or fence, the owner or occupier of the premises shall, within such period, not being less than one month from the completion of the removal of the hedge or fence, as may be fixed by the executive authority, enclose such premises with a wall of stone or masonry or with posts and rails, or wire fencing, approved by the executive authority.

7. *Uring offensive manure, etc.*—Whoever, except with the written permission of the executive authority and in the way enjoined in such permission, stores or uses night-soil or other manure or substance emitting an offensive smell shall be liable to the penalty hereinafter provided.

8. *Bathing naked.*—Whoever shall bathe naked in any street, road or compound or public thoroughfare, shall be liable to the penalty hereinafter provided.

9. *Abatement of nuisance.*—When any pool, ditch, tank, pond, well, hole or any waste or stagnant water whether the same be within any private enclosure or otherwise, shall appear to the executive authority to be likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood he may by written notice require the owner or occupier of the same to cleanse or fill up or drain off or remove the same or to take such measures as shall in his opinion be necessary to abate or remove the nuisance. If the owner or occupier fails to comply with the requisition contained in such notice he shall be liable to the penalty hereinafter provided.

10. *Cesspools, receptacles for filth and soaking of foul water.*—The executive authority may by notice in writing—

(1) require any person having control whether as grantee, owner or occupier of any land or building,

(a) to close any offensive cesspool belonging to the land or building, or

(b) to provide a receptacle (of a pattern, if any, approved by the executive authority) for filth accumulating on or in the land or building, or,

(2) require any person repairing or constructing a private latrine or urinal not to allow the same to be used until it has been inspected by or under the direction of the executive authority and approved by him as conforming with such plan, or,

(3) require any person having the control of a private latrine or urinal to rebuild or alter the same in accordance with such plan:

Provided that on the application of any person to whom a notice under clause (2) or clause (3) of this rule is addressed, a copy of the approved plan shall be given to him by the executive authority free of charge, or,

(4) *Removal of private latrine or urinal.*—Require the owner or other person having the control of any private latrine or urinal which, in the opinion of the executive authority, creates a nuisance, to remove the latrine or urinal, and to substitute fresh earth, to such a depth, not exceeding 2 feet as may be specified in the notice, for the earth on which the latrine or urinal stood, or,

(5) *Roofing, etc., of private latrine or cleansing of private latrine or urinal.*—Require any person having control whether as grantee, owner or occupier of any land or building,

(a) to have any latrine provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling or working in the neighbourhood, or,

(b) to cleanse with deodorants any latrine or urinal belonging to the land or building,

(6) *Provision for drainage.*—Where any land or building is situated within 200 feet of a public drain, or some other place set apart for the discharge of drainage, require any person having control of the land or building whether as lessee or owner, or, in the case of neighbouring lands or buildings the several lessees or owners having control of the land or buildings conjointly, to provide proper drainage within one month from the service of the notice, or,

(7) *Making or altering a private drain leading into a public drain.*—Require any person to desist from making or altering any drain leading into a public drain, or,

(8) *Altering the public drain or neglecting to provide culvert or keeping insufficient culvert.*—Require any person who is creating or likely to create a nuisance by (a) altering, obstructing or encroaching upon a public drain, or (b) impeding the flow of water owing to the absence of a culvert or the existence of an insufficient culvert under a path leading to his premises to desist therefrom, or,

(9) *Construction of private drains.*—Require any person who is constructing or laying a drain to obey any directions the executive authority may think fit to give in order to ensure the completion of the work to his satisfaction, or,

(10) *Covering of private drains.*—Require any person or persons being the owner or owners, and having control of any drain or drains to provide and apply to the same such covering as may be specified in the notice within 15 days from the service thereof, or,

(11) *Cleansing, etc., private drain.*—Require any person having the control of a drain to remove within a period to be specified in the notice, any obstruction from the drain, or to cleanse, purify, repair or alter the drain or otherwise to put the same in good order.

11. *Penalty.*—(1) Any person committing a breach of the above rules or failing to comply with any notice served under these rules shall, on conviction thereof, be liable to punishment under section 188, Indian Penal Code.

(2) Further it shall be lawful for the executive authority, in the event of any person failing to comply with the terms of any notice served upon him in accordance with the provisions of rule 6, 9 or 10, to enter on the premises and there do, or cause to be done, anything which may have been required to be done by the terms of such notice, and the costs of such action shall be recoverable by the executive authority as if they were a sum due under Part II of these rules.

12. (1) This part shall apply to the Rajkot Civil Station proper<sup>1</sup> and to the adjoining area generally described as the Rajkot Cantonment.

(2) For the purposes of this Part the executive authority shall be

(a) within the Rajkot Civil Station proper, the <sup>2</sup>Deputy Assistant Political Agent, Halar;

<sup>1</sup>(b) within the Rajkot Cantonment, the Officer Commanding, Rajkot, or other Military Officer authorised by him in this behalf.

<sup>1</sup> The adjoining area has ceased to be a Military Station since 18th September, 1928, and has been amalgamated with the Rajkot Civil Station.

<sup>2</sup> Now "Officer in charge, Rajkot Civil Station".

## PART II.

## HALALKHOR CESS AND DUTIES OF STATION STAFF.

13. *Conservancy cess.*—A conservancy cess at the rate of 4 per cent. per annum subject to a minimum of [2 annas per mensem]<sup>1</sup> shall be levied on the rental of all houses, buildings and premises (except the Rajkumar College and such public and charitable institutions as may be exempted by special order of the <sup>2</sup>Agent to the Governor in Kathiawar situated within the limits of the Rajkot Civil Station proper.

<sup>1</sup>[Provided that no owner shall be required to pay the cess, the aggregate yearly rental of whose buildings or lands amounts to less than Rs. 20.]

14. *Instalments.*—The cess shall be payable <sup>1</sup>[by the owners of the buildings or lands] in advance in half-yearly instalments on each first day of April and October.

15. *Bills.*—When any instalments of the said cess shall have become due the Station Secretary shall, with the least practicable delay, furnish a bill for the same.

16. *Notice to defaulters.*—If the amount of the cess, for which a bill has been presented as aforesaid, is not paid into the office of the Station Secretary within 15 days after the presentation thereof, the <sup>3</sup>Deputy Assistant Political Agent, Halar, on application by the Station Secretary, shall cause to be served upon the person liable for the payment for the same, a notice in the form set forth in the first schedule annexed hereto.

17. *Fee for the notice.*—For every such notice of demand, a fee not exceeding one rupee, as shall, in each case, be fixed by the Deputy Assistant Political Agent<sup>3</sup> shall be payable by the said person and shall be included in the cost of recovery.

18. *Recovery by distress and sale of property of defaulter.*—If any person liable for the payment of the said demand, does not, within 15 days from the service of the notice, pay the sum due or show sufficient cause for non-payment of the same to the satisfaction of the Deputy Assistant Political Agent,<sup>3</sup> such sum with all costs of recovery may be recovered, under a warrant in the form set forth in the second schedule, or in a like form, to be issued by the Deputy Assistant Political Agent,<sup>3</sup> by distress and sale of any moveable property of the defaulter, or found in the premises for which the tax may be due.

<sup>1</sup> Substituted by Government of Bombay (Political Department) Notification No. 3696, dated the 14th May, 1917. *Bombay Government Gazette*, 1917, Pt. I, p. 1176.

<sup>2</sup> Now " Agent to the Governor General in the States of Western India ".

<sup>3</sup> Now " Officer in charge, Rajkot Civil Station ".

19. *Disposal of the proceeds of sale.*—If a warrant issued under the foregoing rule is not withdrawn or discharged the moveable property so seized shall, after the expiry of the period mentioned therein, be sold by order of the <sup>1</sup>Deputy Assistant Political Agent, who shall apply the proceeds or such portion thereof as shall be requisite to the discharge of the sum due and of the costs of recovery; the surplus, if any, being refunded, if claimed, by written application within one year from the date of the sale.

20. *Fee for distraint.*—For every distraint made under these rules, a fee shall be charged at the rate set forth in the third schedule and the said fee shall be included in the costs of recovery.

21. *Committee to fix the amount of rental.*—The amount of rental of each house, building or premises liable to tax under these rules shall be fixed by a Committee appointed by the <sup>2</sup>Political Agent, Halar, and the register thereof shall be open to inspection at the Secretary's office.

22. *Power of Committee to amend rental, etc.*—The Committee may, on its own motion or the representation of any person interested or otherwise, amend, for reasons to be recorded in writing, any entry in connection with the amount of rental so fixed by inserting the name of another person liable for the tax, or any premises previously omitted, or by increasing or reducing the amount of any assessment.

23. *Appeal against rental to lie to <sup>2</sup>Political Agent, Halar.*—An appeal against (a) the amount of rental so fixed or amended under the Rules 21 and 22, or (b) an order of the <sup>1</sup>Deputy Assistant Political Agent on any representation made under Rule 18, will lie to the <sup>2</sup>Political Agent, Halar, provided that the same has been presented in the first class of cases within 15 days, after the presentation of the first bill or any public or special notice, by which it shall have been communicated, whichever is earlier and in the second class of cases, within 15 days of the order appealed against.

24. *Presentation of appeal to <sup>1</sup>Deputy Assistant Political Agent, when <sup>2</sup>Political Agent is on tour.*—If the <sup>2</sup>Political Agent is travelling in the districts, such appeal should be presented to the <sup>1</sup>Deputy Assistant Political Agent, within the period named.

25. *Finality of the <sup>2</sup>Political Agent's decision.*—The decision of the <sup>2</sup>Political Agent on appeal shall be final.

26. *Refund of cess, etc.*—In case of any houses, buildings or premises remaining totally unoccupied for an uninterrupted period of 3 months during a half year, the <sup>1</sup>Deputy Assistant Political Agent shall refund half the amount of the cess under Rule 13 if paid already.

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<sup>1</sup> Now "Officer in charge, Rajkot Civil Station".

<sup>2</sup> Now "Agent to the Governor General".

27. *Recovery of cess by Civil suit.*—Instead of proceeding against the defaulter by distress and sale as hereinbefore provided or after having so proceeded against him unsuccessfully or with only partial success, the Station Secretary may, after obtaining the previous sanction of the <sup>1</sup>Political Agent recover any sum due, as the case may be, by a suit in a Court of competent jurisdiction.

28. *Position of Secretary.*—The Secretary shall be the head of the stipendiary establishments and shall be primarily responsible for their efficiency and for the due performance by them of the duties assigned to them. All members thereof shall be directly under his orders, subject to the general control of the Deputy Assistant Political Agent.<sup>2</sup>

29. *Duties of Secretary.*—He shall keep the records of the Station, supervise the accounts, prepare monthly statements of receipts and expenditure for audit; submit bills for sanction; supervise the collection of revenue, the expenditure and works in hand; bring to notice any repairs, improvements, new works and any measures which may appear necessary; prepare estimates; deal with or report to competent authority all cases of neglect, illegal or improper conduct or disobedience on the part of subordinates or contractors; encroachments, nuisances, violations of rules; watch over all property belonging to the Station; be active at all hours in supervising stipendiary establishments and contractors; and generally contribute by all means in his power to the efficient municipal administration of the Civil Station of Rajkot.

30. *Inspection: Special duty of Secretary.*—It shall be the special duty of the Station Secretary to inspect the Bazar and other parts of the Civil Station daily, to see that the municipal staff fulfil their duties, and bring any breaches of the conservancy rules to the notice of the Civil Station authorities.

31. *Powers of Secretary.*—The Secretary may suspend or fine to the extent of 8 annas in one month any officer or servant whose salary does not exceed Rs. 15 per mensem, but shall report the same forthwith to the <sup>2</sup>Deputy Assistant Political Agent for his approval. He shall keep a register of such fines and submit it for information to the Deputy Assistant Political Agent<sup>2</sup>. He may also grant leave to such officers and servants for a period not exceeding 10 days with pay, making due provision for the current work and reporting his proceedings to the <sup>2</sup>Deputy Assistant Political Agent.

32. *Security to be furnished by the Secretary, etc.*—The <sup>2</sup>Deputy Assistant Political Agent shall require the following officers and servants.

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<sup>1</sup> Now " Agent to the Governor General ".

<sup>2</sup> Now " Officer in charge, Rajkot Civil Station ".

to furnish approved security to the amounts specified against their names:—

	Rs.
Secretary, not exceeding . . . . .	1,000
Accountant and Clerk . . . . .	500
Cess, Tax and Fee Collectors, Inspecting Karkuns and their peons, not exceeding . . . . .	100 each
Nakadars, not exceeding . . . . .	100

33. This Part shall apply to the Rajkot Civil Station proper.

### THE FIRST SCHEDULE.

#### FORM OF NOTICE OF DEMAND (RULE 16).

To

A. B. residing at

Take notice that the Rajkot Station Secretary demands from you the sum of                      due from you on account of conservancy cess for the half year ending on the                      day of                      19    ; and that if the said sum is not paid into the Station Secretary's office or if sufficient cause for non-payment of the same is not shown to the satisfaction of the Deputy Assistant Political Agent, Halar,<sup>1</sup> within 15 days from the service of this notice, a warrant of distress will be issued for the recovery of same with costs.

Dated this                      the day of                      19    .

(Signed.)

<sup>1</sup>Deputy Assistant Political Agent, Halar.

### THE SECOND SCHEDULE.

#### FORM OF DISTRESS WARRANT (RULE 18).

To

Whereas A. B. of                      has not paid or shown sufficient cause to my satisfaction for non-payment of the sum of                      due for the conservancy cess for the half year ending on the                      day of                      19    ; and fifteen days have elapsed since the service of notice of demand;

This is to command you to distrain the goods and chattels of the said A. B., or found on the premises in respect of which the said cess is due, to the amount of the said sum of and such further sums as may be

<sup>1</sup> Now "Officer in charge, Rajkot Civil Station".

sufficient to defray the costs of recovering the said amount, and if, within five days next after such distress the said sum shall not be paid together with such further sum as shall be sufficient to defray the said costs, to sell the said goods and chattels.

If sufficient distress cannot be found of the goods and chattels of the said A. B. or on the said premises, you are to certify the same to me together with this warrant.

Dated this                      the day of                      19 .

(Signed.)

<sup>1</sup>Deputy Assistant Political Agent, Halar.

### THE THIRD SCHEDULE.

#### TABLE OF FEES PAYABLE ON DISTRAINT (RULE 20).

	Fee.		
	Rs.	A.	P.
Sum distrained for Rupees 5 and under . . . . .	0	2	0
Above Rs. 5 and up to Rs. 10 . . . . .	0	4	0

and so on, *i.e.*, additional annas 2 for every 5 rupees.

The above fees are to include all expenses, except when special accommodation is necessary for the custody of, or, peons kept in charge of property distrained, in which case actual charge of hire and four annas a day for each peon so employed must be paid.

[*Bombay Government Gazette*, 1916, Pt. I, p. 1176.]

#### *Animals and Vehicles Taxation Rules, 1917.*

No. 9796, dated the 18th December, 1917.—In exercise of the powers under the Indian (Foreign Jurisdiction) Order in Council, 1902, delegated by the Notification<sup>2</sup> of the Government of India in the Foreign Department, No. 2859-I. A., dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to prescribe the following Rules for the Civil Station of Rajkot in Kathiawar:—

#### PRELIMINARY.

1. (1) *Short title.*—These Rules may be cited as “the Rajkot Civil Station Animals and Vehicles Taxation Rules, 1917”.

(2) *Extent.*—They apply to the Rajkot Civil Station, which area is hereinafter referred to as “the Station”.

<sup>1</sup> Now “Officer in charge, Rajkot Civil Station”.

<sup>2</sup> See footnote 2 on p. 493, *supra*.



## TAX ON VEHICLES AND ANIMALS.

2. *Tax on what vehicles and animals to be levied.*—Except as herein-after provided, a tax at rates not exceeding those specified in Schedule A shall be levied on all vehicles and on all animals of the description specified in the said schedule which are kept within the Station.

3. *Exceptions from the tax.*—The said tax shall not be leviable in respect of—

- (a) Any vehicle or animal certified by <sup>1</sup>the Political Agent, Halar Prant, to be employed by the owner thereof for municipal or police purposes.
- (b) Vehicles and animals belonging to the Station Committee.
- (c) Officers' chargers.
- (d) Vehicles kept by *bonâ fide* dealers in vehicles for sale merely, and not used.
- (e) Any animal or vehicle belonging to any State, which has commuted its liability for Civil Station dues.
- (f) Vehicles not used for want of animals.

4. *Period by which liability for the tax is determinable.*—Every person who has owned or had charge of any vehicle or any animal in respect of which the said tax is leviable shall if he has owned or had charge thereof for not less than thirty days in any <sup>2</sup>[half year] be liable for the whole tax for that <sup>2</sup>[half year].

5. *Vehicle under repair or standing at carriage-maker's exempt.*—If a vehicle has been under repair or standing at a carriage-maker's during the whole of any <sup>2</sup>[half year], no tax shall be liable in respect thereof for that <sup>2</sup>[half year].

6. *Animals unfit for use and not used exempt.*—If any animal has been during the whole of any <sup>2</sup>[half year] in any institution for the reception of infirm or diseased animals, or if any animal certified by a veterinary surgeon to have been unfit for use during the whole of any <sup>2</sup>[half year] has not been used during such <sup>2</sup>[half year] no tax shall be leviable in respect of such animal for the <sup>2</sup>[half year].

## ASSESSMENT OF THE TAX.

7. *Vehicle and animal tax book to be kept.*—The Station Secretary shall keep a book in which shall be entered from time to time—

- (a) A list of the persons liable to pay the said tax.

<sup>1</sup> Now "Officer in charge, Rajkot Civil Station".

<sup>2</sup> Substituted by Agency Notification No. 19, dated the 3rd March, 1925. W. I. S. Gazette, 1925, p. 48.

- (b) A specification of the vehicles and animals in respect of which the said persons are respectively liable to the said tax.
- (c) The amount of tax payable by each such person and the period for which it is payable.

8. *Returns may be called for from persons supposed to be liable to the tax.*—(1) In order that the said list may be prepared the Station Secretary may require—

- (a) The owner of premises let to, or occupied by, more than one person owning or having charge of vehicles and animals to furnish him with a written return, signed by such owner, of the name and address of each of the said persons, and of the animals and vehicles owned by or in the charge of each of the said persons kept upon such owner's premises.
- (b) Any person supposed to be liable to the payment of the said tax to furnish him with a written return, signed by such person containing such information concerning the vehicles and animals, if any, owned by or in the charge of such person, as the Station Secretary shall deem necessary.

(2) Every person on whom any such requisition is made shall be bound to comply with the same, within such reasonable period as the Station Secretary prescribes in this behalf, whether such person be liable to the payment of the said tax or not, and to make a true return to the best of his knowledge and belief.

9. *Notice to be given to the Station Secretary by a person who becomes possessed of a new vehicle or animal in respect of which liability arises.*—Every person who in any <sup>1</sup>[half year] for which the said tax is leviable, becomes possessed of any new vehicle or animal in respect of which he will be liable to the payment of the said tax, shall, if in the immediately preceding <sup>1</sup>[half year] he was not liable to the payment of the said tax give notice in writing to the Station Secretary within fifteen days after he has become possessed of such vehicle or animal of the fact of his having become possessed thereof.

10. *Power to inspect stables and summon persons liable to the tax.*—(1) The Station Secretary may make an inspection of any stable or coach-house or any place wherein he may have reason to believe that there is any vehicle or animal liable to the said tax.

(2) <sup>2</sup>The Deputy Assistant Political Agent, Halar Prant, hereinafter referred to as the <sup>2</sup>Deputy Assistant Political Agent may, by written summons, require the attendance before him of any person whom he has

<sup>1</sup> Substituted by Notification No. 19, dated the 3rd March, 1925. *W. I. S. Agency Gazette*, 1925, p. 48.

<sup>2</sup> New "Officer in charge, Rajkot Civil Station".

reason to believe to be liable to the payment of the said tax, or of any servant of any such person, and may examine such person or servant as to the number and description of vehicles and animals owned by or in the charge of such person; and every person so summoned shall be bound to attend before the <sup>1</sup>Deputy Assistant Political Agent, and to give true information to the best of his knowledge and belief, as to the said matters.

#### COLLECTION OF TAX.

11. *Tax payable* <sup>2</sup>[*half-yearly*] *in arrears.*—The said tax shall be payable <sup>2</sup>[*half-yearly*] on each first day <sup>2</sup>[of May and each first day of November].

#### RECOVERY OF THE TAX.

12. *Presentation of bill for tax.*—(1) When any instalment of the said tax shall have become due the Station Secretary shall, with the least practicable delay, furnish a bill for the sum due.

(2) Every such bill shall specify the period for which and the vehicle or the animal in respect of which the tax is charged and shall also give notice of the time within which an appeal may be preferred, as is hereinafter provided, against such tax.

13. *Notice of demand.*—(1) If the amount of the tax for which any bill has been presented as aforesaid is not paid into the office of the Station Secretary within fifteen days after presentation thereof, the <sup>1</sup>Deputy Assistant Political Agent may cause to be served upon the person liable for the payment of the same, a notice of demand in the form set forth in the Schedule B, or to the like effect.

(2) For every notice of demand which the <sup>1</sup>Deputy Assistant Political Agent causes to be served on any person under this rule, a fee of such amount not exceeding one rupee as shall, in each case, be fixed by the <sup>1</sup>Deputy Assistant Political Agent shall be payable by the said person and shall be included in the costs of recovery.

14. *Distress.*—If the person liable for the payment of the said tax do not, within fifteen days from the service of the notice of demand, pay the sum due, or show sufficient cause for non-payment of the same to the satisfaction of the <sup>1</sup>Deputy Assistant Political Agent, and if no appeal is preferred against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in the form of Schedule C or to the like effect, to be issued by the <sup>1</sup>Deputy Assistant Political Agent, by distress and sale of the goods and chattels of the defaulter wherever the same may be found:

<sup>1</sup> Now "Officer in charge, Rajkot Civil Station".

<sup>2</sup> Substituted by Notification No. 19, dated the 3rd March, 1925. *W. I. S. Agency Gazette*, 1925, p. 48.

Provided that—

(a) the following property shall not be distrained:—

- (i) the necessary wearing apparel and bedding of the defaulter, his wife and children;
- (ii) the tools of artisans;
- (iii) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood;

(b) the distress shall not be excessive, that is to say, the property distrained shall be, as nearly as possible, proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of the officer authorized to sign the warrant, should not have been so distrained, they shall forthwith be returned.

15. *Inventory and notice of distress and sale.*—The Officer charged with the execution of a warrant of distress issued under Rule 14, shall forthwith make an inventory of the goods and chattels which he seizes under such warrant, and shall at the same time give a written notice in the form of Schedule D to the person in possession thereof at the time of seizure, that the said goods and chattels will be sold as therein mentioned.

16. *Sale.*—(1) If the warrant is not in the meantime suspended by the <sup>1</sup>Political Agent or discharged, the goods and chattels seized shall after the expiry of the period named in the notice served under the last preceding rule, be sold by order of the <sup>1</sup>Political Agent who shall apply the proceeds or such part thereof as shall be requisite, in discharge of the sum due and of the costs of recovery.

(2) The surplus, if any, shall be forthwith credited to the Station Fund, but, if the same be claimed by written application to the <sup>1</sup>Political Agent, within one year from the date of sale, a refund thereof shall be made to the person in possession of the goods and chattels at the time of the seizure. Any surplus not claimed within one year as aforesaid shall form a part of the Station Fund.

17. *Fees for distraints.*—For every distraint made under these rules a fee shall be charged at the rate set forth in Schedule E, and the said fee shall be included in the costs of recovery.

18. *Fees for cost of recovery may be remitted.*—The <sup>1</sup>Political Agent may, in his discretion, remit the whole or any part of any fee chargeable under clause (2) of Rule 13, or under Rule 17.

19. *Summary proceedings may be taken against persons about to leave the Civil Station.*—(1) If the <sup>1</sup>Deputy Assistant Political Agent shall at

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<sup>1</sup> Now "Officer in charge, Rajkot Civil Station".

any time have reason to believe that any person from whom any sum is due on account of the said tax, or who would be liable for any sum on account of such tax at the close of the current <sup>1</sup>[half year] is about forthwith to remove from the Station, the <sup>2</sup>Deputy Assistant Political Agent may direct the immediate payment by such person of the sum so due or about to become due by him and cause a bill for the same to be presented to him.

(2) If on presentation of such bill, the said person do not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale in the manner hereinbefore prescribed except that it shall not be necessary to serve upon the defaulter any notice of demand and the warrant of the <sup>3</sup>Deputy Assistant Political Agent for distress and sale may be issued and executed without any delay.

20. *Defaulters may be sued for arrears, if necessary.*—Instead of proceeding against a defaulter by distress and sale as hereinbefore provided, or after a defaulter shall have been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, by such defaulter on account of the said tax may be recovered from him by suit instituted by the Station Secretary with the permission of the <sup>3</sup>Political Agent, in any Court of competent jurisdiction.

21. *Writing off of irrecoverable tax.*—Any sum due on account of the said tax or of the costs of recovering the said tax may be wiped off if in the opinion of the Station Committee it is irrecoverable.

#### APPEALS.

22. *Appeals.*—(1) Appeals against the said tax shall be heard and determined by the <sup>2</sup>Political Agent, provided that no such appeal shall be heard by him unless—

- (a) it is brought within fifteen days after the presentation of the bill for the said tax;
- (b) the amount claimed from the appellant has been deposited by him with the Station Secretary.

(2) The decision of the <sup>2</sup>Political Agent upon any appeal shall be final, an effect shall be given by the Station Secretary to every such decision.

23. *Penalty.*—Whoever contravenes the provisions of Rule 9 shall be punished with fine which may extend to fifty rupees.

<sup>1</sup> Substituted by Notification No. 19, dated the 3rd March, 1925. *W. I. S. Agency Gazette*, 1925, p. 48.

<sup>2</sup> Now "Officer in charge, Rajkot Civil Station".

<sup>3</sup> Now "Political Agent, Western Kathiawar Agency" (*vide* Notification No. 5, dated the 11th January, 1927). *W. I. S. Agency Gazette*, 1927, p. 12.

24. *Cognizance of offences.*—An offence punishable under Rule 23 shall be cognizable by the <sup>1</sup>Deputy Assistant Political Agent.

### SCHEDULE A.

(See Rule 2.)

#### *Tax on vehicles and animals.*

Description of vehicle or animal.	Maximum rate per [Half year.]	
	Rs.	A.
(1) Each motor-lorry and traction engine . . . . .	[60	0]
(2) Each four-wheeled vehicle impelled by machinery and not being a motor-lorry or traction engine and each four-wheeled vehicle drawn by two horses . . . . .	[9	0]
(3) Each four-wheeled vehicle drawn by one horse and each two-wheeled vehicle drawn by two horses . . . . .	[4	8]
(4) Each two-wheeled vehicle impelled by machinery and each two-wheeled vehicle drawn by one horse, and each vehicle drawn by two bullocks . . . . .	[3	0]
(5) Each vehicle drawn by one bullock . . . . .	[2	4]
(6) Each riding horse or pony . . . . .	[1	8]

### SCHEDULE B.

(See Rule 13.)

#### *Form of notice of demand.*

To

A. B.

residing at Rajkot Civil Station.

Take notice that the Station Secretary demands from you the sum of Rs.                      due from you on account of the tax on vehicles and animals, in respect of                      for the <sup>2</sup>[half year] ending on the                      day of                      ; and that if the said sum is not paid into the office of the Station Secretary, or if sufficient cause for non-payment of the sum is not shown to the satisfaction of the <sup>3</sup>Deputy Assistant Political Agent, within fifteen days from the service of this notice, a warrant of distress will be issued for the recovery of the same, with costs.

Dated this                      day of                      19                      .

(Signed)

<sup>3</sup>Deputy Assistant Political Agent,

Halar Prant.

<sup>1</sup> Now " Additional District Magistrate ".

<sup>2</sup> Substituted by Notification No. 19, dated the 3rd March, 1925. *W. I. S. Agency Gazette*, 1925, p. 48.

<sup>3</sup> Now " Additional District Magistrate, Rajkot Civil Station ".

## SCHEDULE C.

(See Rule 14.)

*Form of distress warrant.*

To

Whereas A. B. of Rajkot Civil Station has not paid, or shown sufficient cause to my satisfaction for the non-payment of the sum of

due for the tax on vehicles and animals for the <sup>1</sup>[half year] ending on the            day of            19   , although the said sum has been duly demanded in writing from the said A. B., and fifteen days have elapsed since the service of notice of demand.

This is to command you to distrain the goods and chattels of the said A. B. to the amount of the said sum of            and such further sums as may be sufficient to defray the costs of recovering the said amounts, and if within five days next after such distress the said sum shall not be paid, together with such further sum as shall be sufficient to defray the said costs, to sell the said goods and chattels.

If sufficient distress cannot be found of the goods and chattels of the said A. B. you are to certify the same to me together with this warrant.

Dated this            day of            19   .

<sup>2</sup>Deputy Assistant Political Agent,  
Halar Prant.

## SCHEDULE D.

(See Rule 15.)

*Form of inventory and notice.*

To

A. B.

residing at Rajkot Civil Station.

Take notice that I have this day seized the goods and chattels specified in the inventory beneath this, for the sum of Rs.            due for the tax on vehicles and animals for the <sup>1</sup>[half year] ending on the            day of            ; and that unless you pay into the office

<sup>1</sup> Substituted by Agency Notification No. 19, dated the 3rd March, 1925. *W. I. S. Agency Gazette*, 1925, p. 48.

<sup>2</sup> Now "Additional District Magistrate, Rajkot Civil Station".

of the Station Secretary the amount due, together with the costs of recovery, within five days from the date of this notice, the goods and chattels will be sold.

Dated this                      day of                      19 .

(Signature of the officer executing the warrant.)

## INVENTORY.

### SCHEDULE E.

(See Rule 17.)

#### *Table of fees payable in distrainments.*

	Fee. As.
Sum distrained for	
Five rupees and under . . . . .	2
Above five and up to and including ten rupees . . . . .	4
For every additional amount of five rupees or under, above ten rupees . . . . .	2

In addition to the above charges when special accommodation or watchmen are required for the custody of property distrained the actual charge of hire of accommodation and a charge of annas four daily for each watchman will be levied.

[*Bombay Government Gazette*, 1917, Pt. I, p. 2702.]

#### *Constitution of Rajkot Civil Station Committee.*

*No. 2, dated the 15th January, 1923.*—With the sanction of Government, it is hereby directed that the Rajkot Civil Station Committee should be reconstructed with effect from 1st January, 1923, on a broader consultative basis under the following regulation:—

2. The Committee shall consist of 10 members of whom 4 shall be official and 6 non-official, the latter to be nominated by the <sup>1</sup>Agent to the Governor.

The official members shall be—

The <sup>2</sup>Political Agent, Halar Prant—President,

The <sup>2</sup>Deputy Political Agent, Halar,

The <sup>3</sup>Agency Surgeon, Kathiawar,

The <sup>4</sup>Agency Engineer, Kathiawar.

<sup>1</sup> Now "Agent to the Governor General in the States of Western India".

<sup>2</sup> Now "Officer in charge, Rajkot Civil Station".

<sup>3</sup> Now "Residency Surgeon, Western India States Agency".

<sup>4</sup> Now "Executive Engineer, Western India States Agency".



3. Nominated members shall ordinarily hold office for two years.

4. The Committee shall be consulted in

- (a) the preparation of the annual budget,
- (b) the framing of new laws or bye-laws,
- (c) the imposition of fresh taxation,
- (d) the selling or giving of land on lease to private persons.

(NOTE.—This rule (d) has application to general principles and not to individual cases with which Executive Officers alone shall ordinarily deal.)

5. The non-official members shall be invited to co-operate with the executive members by freely bringing to notice all points that seem to them to call for notice and a remark book shall be maintained at the Secretary's Office for that purpose.

6. Meetings of the Committee shall be held quarterly. At such meetings any motion or proposal for the better working of the Civil Station Administration or the content and well-being of the inhabitants may be discussed provided that not less than 15 days' notice of such motion or proposition has been given to the President.

[*Kathiawar Agency Gazette*, 1923, p. 11.]

#### *Octroi Rules, 1927.*

*No. 74, dated the 22nd December, 1927.*—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor-General in Council in the Notification<sup>1</sup> of the Government of India in the Foreign and Political Department No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf, the Hon'ble the Agent to the Governor General in the States of Western India is pleased to make the following Rules for the collection of Octroi in the Rajkot Civil Station :—

#### OCTROI RULES OF THE RAJKOT CIVIL STATION MUNICIPALITY.

1. *Short title.*—These Rules may be called the Rajkot Civil Station Octroi Rules.

2. *Definitions.*—In these Rules unless there is something repugnant in the subject, or context,

- (a) " Import " means the conveying into the octroi limits of the Rajkot Civil Station from any other area.
- (b) " Import Naka " means a Municipal Naka at which goods are imported, and " Nakadar " means a Civil Station Karkun on duty connected with import at any such Naka.

- (c) "Prescribed" means authorised by any Rajkot Civil Station Municipal Rule, for the time being in force.
- (d) "Public authority" means the Government of India, the Hon'ble the Agent to the Governor General in the States of Western India, District and Additional District Magistrate, Rajkot Civil Station, the Station Secretary, Rajkot, and any servant of the Rajkot Civil Station Municipality.
- (e) "Current Account" means an account opened by any person in the Station Secretary's office by depositing any sum or sums to be credited towards the octroi duty on the articles to be imported by him, to be adjusted by the end of the official year. The sum so deposited will be forfeited if the account is not squared up before the close of the financial year.

3. *Octroi Limits*.—(1) The "Octroi limits" of the Rajkot Civil Station Municipality shall be the land leased to Government by the Thakore Saheb of Rajkot under the treaty of 1863 and known as the Rajkot Civil Station including the Military area.

(2) Import Nakas shall be set up at the following places and at such other places as may be necessary:—

- (a) Near the Junction Station,
- (b) Near the Male Training College,
- (c) Near the Jasdan Uttaro,
- (d) Near the Para Station; and,

(3) (i) All persons importing goods liable to octroi duty after the coming into force of these Rules shall declare them at the nearest Octroi Naka.

(ii) The declaration may be made orally or in writing and shall include a description of the goods to be imported giving their quantity, weight and value; and shall wherever possible, be accompanied by an invoice or railway receipt.

(iii) The Nakadar shall, after such inspection and examination of the goods as may be necessary to satisfy himself of the correctness of the declaration, assess them for octroi under these Rules, and the importer will then be required to pay the amount so assessed.

4. *Imposition and nature of tax, class of property made liable thereto*.—(1) Subject to the exemptions and provisions hereinafter specified, an octroi tax on all goods of the description included in Schedule A hereto annexed, shall be payable to the Municipality at the rate of three pies per rupee *ad valorem*.

<sup>2</sup> Now "Officer in charge, Rajkot Civil Station".

(2) *Exemptions. Schedule B.*—Goods of the description included in Schedule B hereto annexed shall be exempt from octroi tax.

(3) *When payable.*—Except in cases where an account current is kept, and in the cases mentioned in Rule 9 below, the octroi tax shall be payable to the Import Nakadar at the time of import.

(4) The <sup>1</sup>Additional District Magistrate, Rajkot Civil Station, may in the cases of residents who are not merchants commute the octroi tax for a fixed sum to be paid monthly; but clubs, associations and institutions will not be allowed to commute under this Rule.

5. *Arrangements to be made by the Station Secretary.*—The Station Secretary shall cause a copy in the vernacular of these Rules with the Schedule for the time being in force, bearing his signature, to be (1) furnished to each Import Nakadar, (2) fixed up at the office of the Station Secretary; (3) posted at each Import Naka; and (4) placarded at some conspicuous places in the Civil Station for affording information to those likely to be affected thereby.

He shall furnish each Import Nakadar with a stitched receipt-book with consecutively numbered pages containing in foil and counterfoil blank receipts in the form of Schedule C hereto annexed.

6. (1) *Duties of Import Nakadar.*—Every Import Nakadar shall when goods are brought to his Naka make the following entries in the Naka Register, namely:—

- (a) The name of the importer,
- (b) A description of the goods,
- (c) The value of the goods,
- (d) The quantity or weight of the goods,
- (e) The amount of octroi duty paid.

(2) When the amount of the octroi duty is paid at the Naka, the Nakadar shall make out a receipt and shall sign the foil and detach and deliver it to the person making the payment and retain the counterfoil in his receipt-book.

(3) All octroi taxes are payable on demand. If any person refuses to pay any octroi tax legally due, the Nakadar or other person duly authorised to receive the same may detain a portion of the goods or property in respect of which such tax is demanded sufficient in his opinion in value to cover the amount due, provided that immediate application shall be made for process for the recovery of the same tax by distraint in the manner applicable to other Civil Station dues.

(4) If any person refuses on demand to allow a Nakadar or any other duly authorised person to inspect the contents of any conveyance or

<sup>1</sup> Now "Officer in charge, Rajkot Civil Station".

package for the purpose of ascertaining whether such conveyance or package contains any dutiable article, the Nakadar or other person aforesaid may cause such conveyance or package to be taken before the <sup>1</sup>Additional District Magistrate, or the Station Secretary who shall cause the inspection to be performed in his presence.

(5) When the amount of octroi tax demanded by the Nakadar is disputed it must be paid forthwith and an application made at the office of the Station Secretary for a refund. The Station Secretary will decide all such objections.

7. (1) If importer or owner of goods, on their arrival at the Import Naka signs a declaration that they are not intended to remain longer than three months within the limits of the Rajkot Civil Station, the Nakadar shall retain such declaration and shall note in the pass and counterfoil which he issues the fact that a declaration has been made and the date and hour at which the goods passed his Naka. In such cases the Nakadar shall require from the person importing the goods a deposit sufficient to cover the amount of octroi leviable.

(2) A deposit so recovered shall be refunded to the importer under the orders of the Station Secretary at the time of export, provided that the importer:—

- (a) produces the pass issued at the Import Naka in respect of the said goods;
- (b) satisfies the Station Secretary that the goods being exported correspond with those specified in the pass and that they are being exported within 3 months from the day of import;
- (c) signs a receipt for the refund made to him.

(3) Nakadars at Import Nakas shall report daily to the Station Secretary every case of goods in transit dealt with by them during the day.

8. Octroi dues shall be recoverable by distraint in the same manner as are other Municipal dues of the Rajkot Civil Station.

9. (1) All persons who have agreed to pay octroi duties at the office of the Station Secretary and whose names are recorded in a list kept by the Station Secretary shall be granted by the Nakadar a green pass in the form of (Schedule D) with the following particulars, namely:—

- (a) The description, quantity, weight and approximate value of the goods.
- (b) The name of the owner or person in charge of the goods.
- (c) The date of granting the pass.

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<sup>1</sup> Now " Officer in charge, Rajkot Civil Station ".

(2) The Nakadar shall sign and deliver the pass to the owner or person in charge of the goods and shall retain the counterfoil with the corresponding entries and send it to the Secretary's Office.

(3) All persons importing goods under this Rule shall within one month produce the green pass given them and pay the duty due on the imported goods at the office of the Station Secretary who will give them a receipt for the amount.

10. Whoever imports any goods on which octroi duty is leviable into the Rajkot Civil Station in contravention of these Rules shall be liable on conviction by the Magistrate to fine which may extend to twenty times the amount of octroi duty leviable on such goods.

### SCHEDULE A.

No.	Names of articles.	Rate <i>ad valorem</i> .		Remarks.
		As. P.		
I.— <i>Articles of food or drink for men or animals.</i>				
1.	Grain flour and pulse of every description .	0	3	<i>Vide</i> Notification No. 10, dated the 3rd April, 1914.
2.	Cotton seeds . . . . .	0	3	
3.	Dry fruits . . . . .	0	3	<i>Vide</i> Notification No. 37, dated the 8th August, 1914.
4.	Cocoanuts . . . . .	0	3	
5.	Manufactured or refined sugar and honey .	0	3	
6.	Gol (Molasses) and other coarse saccharine products . . . . .	0	3	
7.	Ghee and butter . . . . .	0	3	
8.	Tea, coffee, oilmans stores and tinned provisions	0	3	
9.	Oilcakes . . . . .	0	3	
10.	Sweet-oil . . . . .	0	3	
11.	Bran and cake . . . . .	0	3	
II.— <i>Articles used for fuel, lighting and washing.</i>				
1.	Oil seeds of every description . . . . .	0	3	
2.	Oil and Kerosine . . . . .	0	3	
3.	Matches . . . . .	0	3	
4.	Soap, wax and tallow . . . . .	0	3	
III.— <i>Articles used in construction of buildings.</i>				
1.	Teak, beams and logs . . . . .	0	3	
2.	Beams and logs other than teak . . . . .	0	3	
3.	Ballis, cane and bamboo and articles made of bamboo for use in buildings . . . . .	0	3	
4.	Hemp, coir rope and twine . . . . .	0	3	
5.	Lime-stone and lime . . . . .	0	6	Per cart.
	Do. do. . . . .	0	2	Per animal or head.
6.	Metal and rubble . . . . .	0	1	Per cart.
7.	Burnt bricks, tiles . . . . .	0	6	Per cart.
	Do. do. . . . .	0	1	Per animal or head.
8.	Moorum and sand . . . . .	0	1	Per cent.

### SCHEDULE A—*contd.*

No.	Names of article.	Rate <i>ad valorem</i> .	Remarks.
III.— <i>Articles used in construction of buildings—contd.</i>			
		As. P.	
9.	Dressed stones . . . . .	1 0	Per cart.
	Do. . . . .	0 3	Per animal or head.
10.	Boiled oil, turpentine, and oil colours used in constructing buildings . . . . .	0 3	
11.	Cement . . . . .	0 3	
IV.— <i>Drugs, gums, spices or perfumes.</i>			
1.	Betel . . . . .	0 3	
2.	All other drugs, gums, spices or perfumes . . . . .	0 3	
3.	Solid, liquid and patent medicines . . . . .	0 3	
V.— <i>Tobacco.</i>			
1.	Manufactured tobacco, cigars and snuff . . . . .	0 3	
2.	Leaf tobacco and Garaku . . . . .	0 3	
VI.— <i>Piece-goods and other textile fabrics and manufactured articles of clothing and dress.</i>			
1.	Gold and silver thread stuff . . . . .	0 3	
2.	All other textile fabrics, piece-goods and articles of dress . . . . .	0 3	
3.	Articles made of leather . . . . .	0 3	
4.	Cotton, half cotton, wool and silk (raw) materials as well as spun in thread . . . . .	0 3	
5.	English and country leather . . . . .	0 3	
6.	Raw cotton, wool, silk . . . . .	0 3	
VII.— <i>Metal and Articles of Metal.</i>			
1.	Iron, zinc, lead, tin, copper, brass and their alloys and manufactured articles of the same . . . . .	0 3	
2.	Needles, phonographs and other similar instruments . . . . .	0 3	
3.	Musical organs and instruments of every description . . . . .	0 3	
VIII.— <i>Miscellaneous.</i>			
1.	English and country furniture and carriages . . . . .	0 3	
2.	Glass and china ware including enamelled articles . . . . .	0 3	
3.	Date and china matting, buttons made of bone, horn, shell and glass . . . . .	0 3	
4.	Kankoo, red lead, rose flower leaves, red powder, vermilion, bangles, ochre, rosaries, umbrellas, hair combs, wooden trays and watches . . . . .	0 3	
5.	Canvas Galichas, carpets, canvas pockets, tarpaulins, ribbons, thread reels, cotton threads . . . . .	0 3	
6.	Cricket and tennis bats, harmoniums and concertinas . . . . .	0 3	
7.	Papers . . . . .	0 3	
8.	Card and paste boards of all kinds . . . . .	0 3	
9.	Fireworks . . . . .	0 3	
10.	All articles of stationery . . . . .	0 3	
11.	Rubber tyres and all articles made of rubber . . . . .	0 3	
12.	All other articles not herein included nor in the schedule of exemptions . . . . .	0 3	

## SCHEDULE B.

## LIST OF ARTICLES EXEMPTED FROM THE LEVY OF OCTROI DUTY IN RAJKOT CIVIL STATION.

1. Articles below the value of Re. 1.
  2. All articles imported by Government, the Agency or the Station authorities, or by officers of Central Institutions for the use of their Institutions, if accompanied by a certificate duly signed by the Head of the Office on whose authority the articles are imported.
- N.B.*—No exemption will be allowed when such articles are purchased by Government, Agency or Civil Station Officers indirectly, *i.e.*, through a contractor or other Agency.
3. Fresh fruits.
  4. Meat.
  5. Fish.
  6. Eggs.
  7. Sugarcane.
  8. Grass and Karbi.
  9. Milk, curd and cheese.
  10. Cooked food.
  11. Vegetable.
  12. Sweet-meats.
  13. Firewood, coals (country).
  14. Cow-dung cakes.
  15. Wearing apparels not for sale.
  16. Gold and silver.
  17. Gold and silver ornaments.
  18. Jewellery, pearls.
  19. Printed books and forms.
  20. Motor cars, bicycles of every description and carriages and vehicles of all kinds on which wheel-tax is levied.
  21. Articles the duty on which is separately farmed and license fee whereon is levied, such as opium, salt, arms and ammunition including guns.\*
  22. Articles on which duty has once been levied if re-imported.
  23. Live animals and birds.
  24. Second-hand articles and baggage brought for personal use and not for sale.
  25. Wines and European liquors.

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\*21. Rifles, pistols, revolvers, swords, daggers, cartridges, bullets, powders, percussion caps, empty cartridges cases. Also detonators fuses for use with explosive, for signals and all explosives.

SCHEDULE C.

આ પાસ સંઘર્ષો માલ જેના માટે જકાત નોંધા ઉપર આપવાની છે અને પાછળથી વસુલાત કરનાર કરકુતે વસુલ લેવાની છે તેના માટે છે.	નાકાતું નામ			આ પાસ સંઘર્ષો માલ જેના માટે જકાત નોંધા ઉપર આપવાની છે અને પાછળથી વસુલાત કરનાર કરકુતે વસુલ લેવાની છે તેના માટે છે.	નાકાતું નામ		
	નંબર				નંબર		
	જકાત વસુલ લીધાની પહોંચ.				જકાત વસુલ લીધાની પહોંચ.		
	તારીખ	...	...		તારીખ	...	...
	માલની વીગત...	...	...		માલની વીગત	...	...
	માલની કીમત	...	...		માલની કીમત	...	...
	માલનું વજન, માપ વીગેરે...	...	...		માલનું વજન, માપ વીગેરે...	...	...
	કોના તરફથી વસુલ આવ્યા	...	...		કોના તરફથી વસુલ આવ્યા...	...	...
વસુલ આવેલી રકમ	...	...	વસુલ આવેલી રકમ	...	...		
વસુલાત કરનારની સહી.			વસુલાત કરનારની સહી.				

SCHEDULE D.

આ પાસ દ્રોઝીટ અથવા બહારગામ પસાર થતા માલ માટે છે, તે રેશનમાંથી જે નોંધ થઈ ન્યૂ ત્યાં આપી દેવાનો છે, આ પાસ ઓક માસની અંદર પાછો આવશે નહીં નો દાખું વસુલ લેવામાં આવશે.	નાંબર			આ પાસ દ્રોઝીટ અથવા બહારગામ પસાર થતા માલ માટે છે, તે રેશનમાંથી જે નોંધ થઈ ન્યૂ ત્યાં આપી દેવાનો છે, આ પાસ ઓક માસની અંદર પાછો આવશે નહીં નો દાખું વસુલ લેવામાં આવશે.	નાંબર		
	દ્રોઝીટ પાસ.				દ્રોઝીટ પાસ.		
	(ચલણી અથવા બહારગામ પસાર થતા માલ માટે).				(ચલણી અથવા બહારગામ પસાર થતા માલ માટે).		
	તારીખ	...	...		તારીખ	...	...
	વખત ...	...	...		વખત ...	...	...
	માલ લાવનારનું નામ	...	...		માલ લાવનારનું નામ	...	...
	માલનું તોલ, માપ વીગેરે	...	...		માલનું તોલ, માપ વીગેરે	...	...
	માલની કીમત	...	...		માલની કીમત	...	...
	માલની જાત	...	...		માલની જાત	...	...
	જકાતની રકમ	...	...		જકાતની રકમ	...	...
નાકા કારકુનની સહી.			નાકા કારકુનની સહી.				



*Rules for the suppression of mendicancy, etc., and for the removal and exclusion of undesirable persons.*

No. 122, dated the 20th December, 1928.—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council, in the Government of India (Foreign and Political Department) Notification<sup>1</sup> No. 472-I., dated the 3rd October, 1924, and of all other powers enabling him in this behalf, the Hon'ble the Agent to the Governor General in the States of Western India is pleased to prescribe the following Rules for the suppression of mendicancy and of loitering or importuning for the purposes of prostitution, and for the removal and exclusion of certain persons from the Civil Station area of Wadhwan Rajkot in Kathiawar:—

1. *Prohibition of loitering.*—Within the limits of Wadhwan Rajkot Civil Station no person shall, in any street or public place—

(a) loiter or beg for alms, as a mendicant,

(b) loiter or importune any person for the purpose of prostitution.

2. *Removal and exclusion from the Rajkot and Wadhwan Civil Station areas of disorderly and undesirable persons.*—(1) The Political Agent, Eastern Kathiawar Agency at Wadhwan The Officer in charge of Rajkot Civil Station, on receiving information that any person, whether resident in or frequenting the Civil Station area of Wadhwan Rajkot

(a) is a disorderly person keeping or frequenting a common gaming house, a disorderly drinking shop or a disorderly house of any other description, or

(b) has been convicted more than once, either within the Civil Station area of Wadhwan Rajkot or elsewhere of an offence punishable under Chapter XVII of the Indian Penal Code, or

(c) has been ordered, under Chapter VIII of the Code of Criminal Procedure, 1898, either within the Civil Station area of Wadhwan Rajkot or elsewhere to execute a bond for his good behaviour,

may make an order in writing, setting forth the substance of the information received, and issue a summons requiring such person to show cause why he should not be required to remove from the Civil Station area of Wadhwan Rajkot and be prohibited from re-entering it.

(2) Every summons issued under section 1 of this Rule, shall be accompanied by a copy of such order as aforesaid, and the copy shall be

<sup>1</sup> Printed, *supra*, p. 158.

delivered by the Officer serving the summons to the person served with the same.

(3) The Political Agent, Eastern Kathiawar Agency at Wadhwan Civil Station shall, The Officer in charge of Rajkot when the person so summoned appears before him, proceed to inquire into the truth of such information received, and take such further evidence as he thinks fit, and if, upon such inquiry, it appears to him to be necessary for the maintenance of good order that such person should be required to remove from the Civil Station area of Wadhwan Rajkot and be prohibited from re-entering it, the Political Agent, Eastern Kathiawar Agency at Wadhwan Officer in charge of Rajkot Civil Station shall report the matter to the Agent to the Governor General in the States of Western India, and if the Agent to the Governor General so directs, shall issue a notice in writing requiring the person to remove himself from the Civil Station area of Wadhwan Rajkot within a time to be specified in the notice and prohibiting him from re-entering it without the permission in writing of the Agent to the Governor General.

3. *General power of removal and exclusion from Civil Station areas of Rajkot and Wadhwan.*—The Agent to the Governor General in the States of Western India, if he thinks it expedient to remove or exclude any person from the Civil Station area of Wadhwan Rajkot may, whether with or without assigning any reason therefor, send to the Political Agent, Eastern Kathiawar Agency at Wadhwan Officer in charge of Rajkot Civil Station an order in writing to that effect and the Political Agent, Eastern Kathiawar Agency Officer in charge Rajkot Civil Station shall cause a copy of the order to be served on such person if he is already in the said area; or to be served upon such person immediately on his entering the said area; together with a notice requiring him to remove from the said area within a time to be specified in the notice and not to re-enter it without the permission in writing of the Hon'ble the Agent to the Governor General:

<sup>1</sup>[Provided that this Rule shall not be put into force against any *bonâ fide* inhabitant of the Civil Station of Wadhwan Rajkot until he has been given an opportunity of showing cause why the Rule should not be enforced against him.]

4. *Harbouring or concealing person ordered to remove from and prohibited from re-entering the Civil Station areas of Rajkot and Wadhwan.*—Whoever, knowing that an order of removal or exclusion from the Civil Station area of Wadhwan Rajkot under Rule 2 or Rule 3 is still in force against

<sup>1</sup> Added by Notification No. 14, dated the 1st March, 1929. *W. I. S. Agency Gazette*, 1929, p. 58.

any person, harbours or conceals such person within the Civil Station area of Wadhwan  
Rajkot, shall be punishable with imprisonment for a term which may extend to eight days or with fine which may extend to one hundred rupees.

5. *Penalty for not complying with an order given under Rule 2 or 3, or for a breach of Rule 1.*—Whoever, (a) having under Rule 2 or 3 been prohibited from remaining in, or been excluded from, the limits of Wadhwan  
Rajkot Civil Station remains in, or re-enters them without the written permission of the Hon'ble the Agent to the Governor General in the States of Western India,

(b) commits a breach of Rule 1 shall be liable to be arrested on a warrant issued by the Political Agent, Eastern Kathiawar Agency  
Additional District Magistrate, Rajkot Civil Station and shall on conviction by a Magistrate be punishable with fine which may extend to one hundred rupees.

6. Whoever has been convicted of a breach of Rules 2, 3 or 4 may, where the breach is a continuing one, be punished, in addition to any penalty inflicted under Rule 4 or 5 with a further fine which may extend to ten rupees for every day after the date of such conviction during which the breach is proved before a Magistrate to have been persisted in.

7. Subject to such rules as the Agent to the Governor General may make in this behalf prescribing the offences which shall be cognizable by the police, no Court shall take cognizance of an offence punishable under *these Rules* save on the complaint of the Political Agent, Eastern Kathiawar  
Additional District Magistrate, Rajkot  
Agency  
Civil Station or of some person authorised by him in this behalf.

8. No act done nor any proceeding taken under *these Rules* shall be questioned on account of any defect or irregularity not affecting the merits of the case.

9. No suit or other Civil or Criminal proceeding shall be entertained by any Court against any Officer or person for any act in good faith done or purporting to be done *when* in pursuance of powers conferred by or under *these Rules*.

[W. I. S. Agency Gazette, 1928, p. 350.]





## V.—Orders under Acts applied.

### EPIDEMIC DISEASES ACT, 1897.

#### *Rules.*

*No. 7237, dated the 13th November, 1908.*—Under the authority conferred by the Notification<sup>1</sup> of the Government of India in the Foreign Department No. 444-I. A., dated the 4th February, 1897, and in supersession of the regulations published in Government Notification in the Political Department No. 4190-A., dated the 6th June, 1902, as amended from time to time, the Governor in Council is pleased to prescribe the following regulations for the Rajkot Civil Station under section 2, sub-section (2), clause (b), of the Epidemic Diseases Act, 1897 (III of 1897):—

#### REGULATIONS.

1. The <sup>2</sup>Political Agent, <sup>3</sup>[Western Kathiawar Agency], subject to the general instructions of the <sup>3</sup>[Agent to the Governor General in the States of Western India] may appoint special officers either by name or by virtue of their office to devise and carry out under the <sup>2</sup>Political Agent, <sup>3</sup>[Western Kathiawar Agency's] directions, all measures necessary to prevent the spread of plague in Rajkot Civil Station. The special officers so appointed shall be known as Plague Authorities.

2. The occupant of a house or dwelling, or the principal surviving member of a family occupying a house or dwelling, shall give immediate information at the Station Secretary's Office of (a) any death in the house or dwelling, (b) the arrival at the house or dwelling of any person from an area declared by the <sup>3</sup>[Agent to the Governor General in the States of Western India] to be infected, (c) any case of sickness in the house or dwelling presenting indications of plague and (d) any case of sickness in the house or dwelling from whatsoever cause; provided that information in respect of cases falling under clause (d) need only be given during the period that the Rajkot Civil Station is declared by the <sup>3</sup>[Agent to the Governor General in the States of Western India] to be infected by plague.

3. Every medical practitioner, whether he is a Government servant or not, who treats a case of, or in any manner becomes cognizant of the existence of plague in any private or public dwelling other than a public

<sup>1</sup> See now Section 2-A of the Epidemic Diseases Act, 1897.

<sup>2</sup> Now "Officer in charge, Rajkot Civil Station".

<sup>3</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

hospital, shall give immediate information of the same at the Station Secretary's office.

4. Any Medical Officer duly appointed as a Plague Authority is authorized to examine or to cause to be examined by any subordinate not below the rank of a Hospital Assistant, all persons within the Station limits whom from information received or for other reason he may suspect to be suffering from plague, and after such examination, to detain or segregate such persons, if he considers it necessary, in such place as may be approved by the <sup>1</sup>Political Agent for that purpose; provided that if any friend or relation of such persons make suitable private arrangements for their accommodation to the satisfaction of, and in a place which is approved by, such Medical Officer, he shall be allowed to do so subject to such special conditions as the Medical Officer may see fit to impose.

5. If any such Medical Officer has reason to believe or suspects that any building intended to be or actually used as a dwelling is, or has been, occupied by a sufferer from plague and is in such a condition as to be unfit or unsafe for human habitation, he may prohibit by a written order the further use of such building as a dwelling house for so long as may appear to him necessary. And when any such prohibition has been made, no owner or occupier of such building shall use or suffer the same to be used for human habitation until the said Officer gives him written permission in this behalf.

6. Such Plague Authority is authorised with the consent of the <sup>1</sup>Political Agent <sup>2</sup>[Western Kathiawar Agency], to remove or burn any huts or erections in which a case of plague has occurred, or which are likely from their insanitary surroundings or conditions to give rise to the disease, or the destruction of which appears to be necessary to prevent the spread of plague.

7. Necessary measures for the disinfection of infected houses shall be taken under proper medical supervision by the Station Secretary. The owner or occupant of the house may, however, disinfect it himself at his own expense under the supervision of the Plague Authority if he so chooses.

8. Whoever shall disobey any regulation prescribed in these rules, or obstruct any measure which has been taken by competent authority under these rules, shall be liable to prosecution under section 188, Indian Penal Code.

[*Bombay Government Gazette*, 1908, Pt. I, p. 2006.]

<sup>1</sup> Now "Officer in charge, Rajkot Civil Station".

<sup>2</sup> Substituted by Notification No. 471-I., dated the 3rd October, 1924. *Gazette of India, Extraordinary*, 1924, p. 351.

INDIAN ELECTRICITY ACT, 1910.

*Grant of license to Rajkot State Electric Supply Company.*

No. 47, dated the 24th June, 1926.—In exercise of the powers conferred by section 3 of the Indian Electricity Act (IX of 1910), as amended by Act I of 1922, the Hon'ble the Agent to the Governor General in the States of Western India is pleased to sanction the grant of the following license to the Rajkot State Electric Supply Company, Rajkot City, for the supply of electric energy in the areas with the powers and upon the terms and conditions specified below:—

LICENSE.

THE RAJKOT CIVIL STATION ELECTRIC LICENSE, 1926.

License for the supply of energy granted by the Hon'ble the Agent to the Governor General in the States of Western India under the Indian Electricity Act, 1910.

License is hereby granted to the Rajkot State Electric Supply Company to supply Electrical Energy within the area delineated in the Deposited Map and with the powers and upon the terms and condition specified below:—

1. *Short Title.*—This license may be cited as the “Rajkot Civil Station Electric License, 1926”.

2. *Interpretation.*—This license is to be read and construed subject in all respects to the provisions of the Indian Electricity Act (I of 1910), and the several words, terms and expressions to which by the Indian Electricity Act (I of 1910) or by the rules made thereunder, meanings are assigned, shall have in this license, the same respective meanings, provided that in this license:—

- (1) the expression “the Act” shall mean, the Indian Electricity Act, 1910,
- (2) the expression “the Licensee” shall mean and include the Rajkot State Electric Supply Company and their permitted assigns and
- (3) the expression “Deposited Map” shall mean the plan of the area of supply hereinafter specified, which has been deposited with the local authority in pursuance of the Rules under the Act, and is signed for the purpose of identification by the Secretary to the Hon'ble the Agent to the Governor General in the States of Western India and by the Rajkot State Electric Supply Company.



3. *Area of Supply*.—The area within which the supply of energy is authorised by this license is the whole of the area, bounded as follows:—

On the North “ by the road connecting the Jamnagar Road with the Junction Station Road ” namely, “ Gaekwadi Road ”.

On the West by the following roads in order:—

On the West beginning at North-West corner of the Residency Compound, by—

- (1) The Jamnagar Road to the Rasulkhanji Hospital.
- (2) The Ahmedabad Road at the back of the Imperial Bank to the Residency Surgeon's bungalow.
- (3) The road, which passing in front of the Residency Surgeon's Bungalow, meets the road from the South-West corner of the Rajkumar College forming the boundary between the Rajkot State and Civil Station, namely, Ahmedabad Road, and Old Traveller's Bungalow Road.

On the South by the Jagnath and College Avenue Roads on the Southern side of the Rajkumar College up to the South-East corner of the College compound and thence by the “ Nallah ” which is the boundary between the Civil Station and the State.

On the East by the Gondal Railway line, from the Para Station Railway gate to the Nallah then along the Nallah to the Aji River, and from there across the Morvi Railway line, to the North-West corner of the Junction Station Yard.

The above boundaries are shown in the Deposited Map in yellow.

4. The Licensee may lay down or place supply lines for the conveyance and transmission of energy from the Generating Station in Rajkot City and worked by the Rajkot State Electric Supply Company to the boundary of the area of the supply.

5. The works to be executed to the satisfaction of the Hon'ble the Agent to the Governor General in the States of Western India, are the following:—

- (1) The Supply Company's overhead mains will within a year of the date of this license be extended by the Licensee as follows:—
  - (i) Along the road from the European Gymkhana to the Residency Gate, i.e., Rajkot Wadhwan Trunk Road.
  - (ii) On the road going from the South-West corner of the Jubilee Gardens to the Sadar Bazar, i.e., Sadar Bazar Road.

- (iii) On the road from the Bhaviagar Uttara by the Palitana and Jamnagar Uttaras to Bahadurkhanji's water reservoir, *i.e.*, South Sadar Bazar Road.
- (iv) On the connecting road between roads (ii) and (iii) above which passes in front of the Deputy's Court, *i.e.*, Booth Road.
- (v) The road from Damri's shop to the Sayala Uttara, *i.e.*, from points A to B on the Deposited Map, *i.e.*, Legal Avenue Road.

The above roads are shown in the Deposited Map in red.

- (2) This license may be revoked if the Licensee fails to comply with any of the provisions of sub-clause (i) of this section.

6. *Limits of the price to be charged by the Licensee in respect of the supply of energy.*—The prices to be charged by the Licensee for energy supplied by him, shall not exceed the following maxima, *viz.* :—

(1) Lighting (by meter)—

- (a) For lighting, fans and motive power installations under 3 B. H. P. capacity (six annas per unit).
- (b) For Hospitals, Theatres, Cinemas, and Railway Yards (annas four pies six per unit).

(2) Motive power—

- (c) For motive power installations above 3 B. H. P. (annas two per unit).
- (d) For motive power installations of 25 H. P. and over special rates according to load factors, to be fixed by the Electrical Engineer of the Company, may be charged.

(3) Heating and cooking—

- (e) The same rate as for motive power installations (*i.e.* annas two per unit).

(4) Fixed rates—

- (f) For lighting public streets Rs. 3 per mensem per light of 25 c.p. for energy supplied on the "Moon light system", that is to say, energy will be supplied to these lamps, during the hours of every night, when there is no moon light, and for a total period of at least 180 (one hundred and eighty) hours in every Lunar month.

These lights can only be supplied on streets in which the Company's overhead mains run, and for which a contract has been entered into.

## (g) For shop and house lighting (where no meters are installed)—

- (1) For one lamp of 25 c. p. Rs. 2-8-0 (two and annas eight) per mensem.
- (2) For two lamps of 25 c. p. each Rs. 4-0-0 (four) per mensem.
- (3) For three lamps of 25 c. p. each Rs. 5-0-0 (five) per mensem up to the limits of 3 lamps.

## (h) Minimum charges—

- (1) Whenever a consumer is charged by meter he will pay a fixed rate of rupees two and annas four per mensem for any quantity up to 6 units, whether energy is used or not.
- (2) For all Uttaras and places which are only occupied periodically a fixed rate of rupees eighteen per mensem for any quantity up to 48 units whether energy is used or not will be charged.
- (3) For motors per B. H. P. installed per month (rupees seven and annas eight) Rs. 7-8-0.

NOTE.—The above rates do not apply to temporary illuminations or in the case of method of charge approved by the Hon'ble the Agent to the Governor General in the States of Western India, in accordance with section 23, sub-section (5) and sub-section (4) of the Act, such maxima as the Hon'ble the Agent to the Governor General may approve.

## 7. Breaking up of the streets, etc.—

- (a) The licensee will be bound by section 13 of the Act and rules made thereunder in this behalf.
- (b) the length of trenches to be opened in any street at any one time and the period for which they remain open shall be determined from time to time by the Local Authority in consultation with the Electrical Engineer of the Company. Where any street is crossed, not more than one-half of the width of such street shall, without the specific authority in writing of the Local Authority, be closed for traffic at any one time.

## 8. The system, conditions of supply and scale of charges and connection fees shall be as follows:—

*System of supply.*—Supply will be given from the Company's low pressure distributing mains (1) at 230 volts D. C. for lighting, fans, etc., (2) or 460 volts D. C. for power.

*Conditions of Supply.*—Service lines from the mains to the terminals on the consumer's premises will be laid down by the Company. On public property 100 feet will be laid free of charge. Extra length will be charged for according to the schedule of rates to be fixed by the Electrical Engineer of the Company.

(a) A connection with the mains will not be permitted unless all conductors, fittings and apparatus provided by the consumer are of a description approved by and erected in accordance with the Company's rules prevailing at the time, and have been tested and approved by the Electrical Engineer.

(b) The Engineer or the Company's Inspector may at any time test the insulation of the consumer's installation and if a leakage from the consumer's wire is found exceeding one ten-thousandth part of the maximum supply current to the premises or the installation is found to be otherwise defective, the supply will be discontinued until the defect is remedied.

(c) A consumer shall at all reasonable times permit the officer of the Company to enter his premises to inspect and test electric conductors, fittings and apparatus therein.

(d) A suitable place must be provided by the consumer for the meter, and other apparatus placed upon his premises for the purpose of supply, but as every position is not equally suitable such meters and apparatus will only be placed in such a position on the consumer's premises as the Electrical Engineer shall approve.

(e) The consumer shall compensate the Company for the loss of any meter or other apparatus of the Company placed upon his premises for the purpose of supply, and for all damage or injury thereto (reasonable wear and tear excepted).

(f) A consumer shall not use a larger number of lamps than that specified in his application, nor lamps of a different size or nature to those specified therein, nor shall he make any alteration in the wiring of his premises unless he shall have given forty-eight hours' previous notice in writing to the Company.

(g) The Company shall not be responsible for temporary interruptions in the supply of electricity due to fire, tempest, strikes or accidents, or during connection of other consumer's installations with the main, but they shall use all reasonable diligence in recommencing the supply.

(h) If for a period of three calendar months or more no electricity is consumed, the Company may discontinue the supply and remove from the consumer's premises the meter and other apparatus belonging to him.

*Scale of charges.*—Service line from the Company's distributing mains to the meter board on the consumer's premises will be laid by the Company and will be charged as follows:—

	Per yard.
	Re.
Service up to 5 ampere capacity . . . . .	1
Service up to 20 ampere capacity . . . . .	2
Service up to 50 ampere capacity . . . . .	5